

TITLE 7 HEALTH
CHAPTER 18 SWIMMING POOLS
PART 2 PUBLIC SWIMMING POOLS, SPAS AND BATHS: GENERAL PROVISIONS

7.18.2.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[7.18.2.1 NMAC - Rp, 7 NMAC 18.1.I.100, 03/30/05]

7.18.2.2 SCOPE: Owners and operators of public swimming pools, public spas, public baths, or other public bathing attractions.
[7.18.2.2 NMAC - Rp, 7 NMAC 18.1.I.101, 03/30/05]

7.18.2.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-1 through 74-1-16.
[7.18.2.3 NMAC - Rp, 7 NMAC 18.1.I.102, 03/30/05]

7.18.2.4 DURATION: Permanent.
[7.18.2.4 NMAC - Rp, 7 NMAC 18.1.I.103, 03/30/05]

7.18.2.5 EFFECTIVE DATE: 03/30/05, unless a later date is cited at the end of a section.
[7.18.2.5 NMAC - Rp, 7 NMAC 18.1.I.104, 03/30/05]

7.18.2.6 OBJECTIVE: To protect public health and safety by establishing standards and provisions for the regulation of public swimming pools, spas, baths, and other public bathing attractions.
[7.18.2.6 NMAC - Rp, 7 NMAC 18.1.I.105, 03/30/05]

7.18.2.7 DEFINITIONS: As used in the public swimming pool rules, unless otherwise required by context, the following definitions apply.

- A.** Abbreviations.
- (1) “ANSI” means American national standards institute.
 - (2) “ASHRAE” means American society of heating, refrigeration, and air conditioning engineers, inc.
 - (3) “CO” means certified operator.
 - (4) “CPSC” means consumer product safety commission (U.S.).
 - (5) “CT” means the concentration (C) of chlorine in ppm multiplied by time (T) in minutes.
 - (6) “DE” means diatomaceous earth.
 - (7) “DPD” means diethyl-p-phenylene diamine.
 - (8) “fps” means feet per second.
 - (9) “gpm” means gallons per minute.
 - (10) “mg/l” means milligrams per liter. When requirements in this regulation specify limits for liquid volume measurements using mg/l or ppm, either may be used depending on the type of testing equipment available.
 - (11) “NSF” means national sanitation foundation. The NSF standards referenced in the public swimming pool rules can be found at: www.nsf.org.
 - (12) “ppm” means parts per million. See notation under mg/l for use.
 - (13) “TDH” means total dynamic head.
- B.** “Adjacent” means adjoining, contiguous, or both.
- C.** “Approved water supply” means water from a source, supply or system approved by the department that is properly located, protected, and operated. Water shall be easily accessible, adequate, and of safe and sanitary quality.
- D.** “Approved” means accepted in writing by the department.
- E.** “Architect” means any individual currently registered and in good standing under the “New Mexico Architectural Act”.
- F.** “Athletic club” means a facility constructed to provide athletic or physical conditioning for its members, guests, or patrons. It includes, but is not limited to, racquetball clubs, health spas, fitness facilities, aerobics instruction facilities, etc.

- G.** “Attendant” is a person certified by the American red cross or an equivalent organization in first aid and CPR and otherwise trained to deal with safety hazards related to the particular attraction at which they are employed.
- H.** “Barrier”, see enclosure.
- I.** “Bather” means any person using a public pool and adjoining deck area for the purpose of water sports, recreation, therapy or related activities.
- J.** “Bather load” means the number of persons in the pool or spa at any given moment or during any stated period of time.
- K.** “Bathhouse” means a structure containing dressing rooms, showers or toilet facilities for use with an adjacent public pool.
- L.** “Bathing attraction”, see special-use pools.
- M.** “Booster pump system” means a system whereby one or more hydrotherapy jets are activated by the use of a pump, which is completely independent of the filtration and heating system of a spa. Also, a device used to provide hydraulic support for certain types of equipment such as cleaning systems, gas chlorinators and solar systems.
- N.** “Builder” means a person licensed in the state of New Mexico by the construction industries division, who, undertakes, or offers to undertake, or submits a bid, to construct, alter, repair, or improve any public pool, spa pool or bathhouse and the appurtenances thereto.
- O.** “Contaminant” means any physical, chemical, or biological substance present in the public pool water that may adversely affect the health or safety of the bather or the quality of the water.
- P.** “Certified operator” means a person who has complied with all applicable requirements for certification as a pool operator as specified in this regulation.
- Q.** “Circulation system” means an arrangement of mechanical equipment or components connected by piping to and from a public pool in a closed circuit. The function of a circulation system is to direct water from the public pool causing it to flow through the various system components for purposes of clarifying, heating, purifying and returning the water back to the original body of water.
- R.** “Circulation equipment” means the mechanical components that are a part of a public pool’s circulation system. Circulation equipment may include, but is not limited to, categories of pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices. The components have separate functions, but when connected to each other by piping, perform as a coordinated system for purposes of maintaining pool, spa or bath water in a clear, sanitary, and desirable condition for use.
- S.** “Combined chlorine (CC)” means that portion of the total residual chlorine that is combined with ammonia or nitrogen compounds and will not react chemically with undesirable or pathogenic organisms.
- T.** “Cross connection” means an unprotected connection between the piping carrying potable water and the piping or fixtures that carry other water or other substances.
- U.** “Deck” means the four foot area around the pool beginning at the pool coping.
- V.** “Deck level diving board” means a diving structure or device rising no more than 18 inches above design water level.
- W.** “Department” means the New Mexico environment department.
- X.** “Department representative” means the secretary of the environment department or his/her designees.
- Y.** “Design water level” is defined in one of the following ways:
- (1) “skimmer system” means the design water level shall be at the midpoint of the normal operating range of the skimmer;
 - (2) “overflow system” means the design waterline shall be the top of the overflow rim of the gutter system.
- Z.** “Enclosure” means a wall, building, fence or any combination of these that control access to the pool proper. This barrier shall be of such construction as to provide protection for the safety of the public and to control access to the pool.
- AA.** “Engineer” means any individual currently registered and in good standing under the “New Mexico Engineering and Surveying Act”.
- BB.** “Fill and draw public bath” means a public bath that shall be completely drained, cleaned, and disinfected prior to each use.
- CC.** “Flow-through public bath” means a public bath where there is circulation of water through the bath from some natural or developed source, and where the out flowing water is discharged to waste.

- DD.** “Flume” means an inclined channel for conveying water.
- EE.** “Free available chlorine (FAC)” means that portion of the total residual chlorine remaining in chlorinated water that is not combined with ammonia or nitrogen compounds and will react chemically with undesirable or pathogenic organisms.
- FF.** “General-use pool” means any public pool other than a limited-use or special-use public pool. This includes, but is not limited to, general admission pools, recreation parks, colleges and universities, organizational camps, clubs or athletic clubs, recreation districts, city, municipal, county and state pools and pools operated by other political subdivisions.
- GG.** “Guest protection zone” means a defined and prescribed area of a public pool that a lifeguard is responsible for monitoring.
- HH.** “10/20 guest protection standard” means a nationally recognized professional lifeguard system which enables and requires a lifeguard to consistently and completely scan his/her assigned guest protection zone within 10 seconds and, should the guest need assistance, reach the guest to begin managing an incident within 20 seconds.
- II.** “Handhold” means a structure not over twelve inches above the water line around the perimeter of the pool wall, affording physical means for the bather to grasp the pool sides.
- JJ.** “Horseplay” means any unsafe activity endangers the pool users or by-standers.
- KK.** “Impervious” means a material that does not allow another substance to pass through or penetrate.
- LL.** “Instructor” means a currently certified American red cross water safety instructor, or a person having equivalent certification as determined by the department.
- MM.** “Lifeguard” means a person certified as a lifeguard by the American red cross or by the national pool and waterpark association or an equivalent organization.
- NN.** “Lifesaving equipment” means emergency equipment and barrier protection.
- OO.** “Limited-use pool” means any public pool, located at, and operated in conjunction with a facility having six or more living or guest units, including:
- (1) travelers accommodations, including hotels, motels, inns, bed and breakfast facilities;
 - (2) apartments, condominiums, mobile home parks;
 - (3) schools, boarding schools, group homes;
 - (4) businesses that employ ten or more people and own a swimming pool or spa that is for the exclusive use of employees and their guests; or
 - (5) home owners associations, if the pool is for the exclusive use of the association members and their guests only and no memberships are sold to outside persons.
- PP.** “New construction” means the activity of building or installing a public pool, and its component parts, where no such structure has previously existed or where previously existing pool or spa structures have been removed.
- QQ.** “Operating water level range” means the operating water level defined in one of the following ways according to the type of pool construction:
- (1) “skimmer system” means one inch above to one inch below the midpoint of the operating range of the skimmer throat, or manufacturer’s maximum stated operating range;
 - (2) “overflow gutter system” means the manufacturer’s maximum stated operating range above the design water level.
- RR.** “Operator”, see certified operator.
- SS.** “Person” means:
- (1) any person, individual, any public or private firm, partnership, corporation, company, society, association, and every managing body, officer, agent or employee thereof; or
 - (2) the state, local government, or any agency, institution or political subdivision thereof, including any governing or managing body.
- TT.** “Plummet” means a line perpendicular to water surface and extending vertically to a point located at the front end of the diving board and at the centerline directly in front of the diving board.
- UU.** “Pool slide” means a slide at a public pool, which has a length less than twenty feet, not including the platform, and a height of less than 12 feet.
- VV.** “Private pool” means:
- (1) any pool or spa owned by no more than four individuals, either jointly, individually or through association, incorporation or otherwise, for the exclusive use of the occupants thereof and their personal guests; or
 - (2) a swimming pool owned by a business employing fewer than ten persons if the pool is for the exclusive use of employees and their guests.

WW. “Public bath” means any manmade structure and its appurtenances intended for public use, other than a plumbing fixture, containing an artificial body of water that is intended to be used individually or collectively for bathing or recreation, regardless of whether a fee is charged for its use. Public baths shall only be the fill-and-draw or flow-through type.

XX. “Public spa pool” means any manmade structure and its appurtenances containing an artificial body of water that is intended to be used individually or collectively by persons for bathing, relaxation, or therapeutic use and which is not a fill-and-draw or a flow-through public bath, regardless of whether a fee is charged for its use. It may include, but not be limited to, hydrotherapy jet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof, excluding fill-and-draw and flow-through public baths. Terminology for a spa includes, but is not limited to: therapeutic pool, rehabilitation pool, hydrotherapy pool, and whirlpool, hot spa or hot tub. Spas may be general use or limited use.

YY. “Public pool” means any manmade structure and its appurtenances containing water that is expressly designated or used with the knowledge or consent of the owner or operator for swimming, water recreation, or bathing for the use of any segment of the public. This term does not include residential housing or lodging facilities having five or less living units. The term “public pool” includes all general-use, limited-use and special-use public pools or public spa pools, public wading pools, spray pads, bathing attractions and public baths. Plumbing fixtures associated with a specific lodging room or fill-and-draw hydrotherapy tubs used by and exclusively for sport team member training and injury rehabilitation are excluded. The term “public pool” includes, but is not limited to, public pools owned or operated by:

- (1) travelers’ accommodations including hotels, motels, inns, bed, breakfast, hostels and recreational vehicle parks;
- (2) residential housing or lodging facilities having six or more living units;
- (3) apartments or apartment complexes, condominiums and mobile home parks;
- (4) recreation parks;
- (5) colleges or universities;
- (6) schools and group homes;
- (7) organizational camps;
- (8) clubs and athletic clubs;
- (9) associations;
- (10) business establishments for their patrons or employees;
- (11) private persons with pools that are open to the public;
- (12) recreation districts; or
- (13) cities, municipalities, counties, the state of New Mexico or other political subdivisions.

ZZ. “Public wading pool” means an artificial structure, and its appurtenances containing water two feet deep or less which is expressly designated or which is used with the knowledge or consent of the owner or operator for wading or recreational bathing and which is for the use of any segment of the public, whether limited to patrons of a companion facility or not.

AAA. “Recirculation interval” means the time required to circulate the entire volume of the pool water through the circulation system. Also see “turnover rate”.

BBB. “Remodel” means but is not limited to altering the design, modifying plumbing, or creating structural changes to pool, spa, bath, spray pad, deck or bathhouse.

CCC. “Renovation” means the activity of restoring all or part of a pool, spa, bath, or spray pad structure and its component parts back into good condition, including the rebuilding or replacing of worn and broken parts or components.

DDD. “Repair” means maintenance or replacement of equipment that meets current ordinance requirements with comparable size and equipment type.

EEE. “Secretary” means the secretary of the New Mexico environment department.

FFF. “Service animal” means a guide dog, signal dog, or other animal trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, or providing minimal protection or rescue work, such as pulling a wheelchair or fetching dropped items.

GGG. “Spa”, see public spa pool.

HHH. “Special-use pool” means a public pool that is designed specifically as a bathing attraction or for sporting or recreational purposes and may include, but is not limited to, special features such as:

- (1) wave pools;
- (2) diving pools;

- (3) splash pools;
- (4) zero depth pools;
- (5) waterpark slides;
- (6) vortex pools;
- (7) interactive play attractions;
- (8) watercourse rides;
- (9) activity pools;
- (10) temporary use pools;
- (11) portable pools; or
- (12) public promotion pools.

III. “Spray pad” means a constructed area for use by bathers in which water is sprayed, but is not allowed to pond.

JJJ. “Swimming pool”, see public pool.

KKK. “Supplemental disinfectant” means a department approved disinfectant that is intended to augment water quality in a public pool or spa and provide disinfection.

LLL. “Test kit” means a testing device approved by the secretary, capable of measuring all water quality parameters required in this section.

MMM. “Total available bromine (TAB)” means the sum of both the free available and combined bromine.

NNN. “Total available chlorine (TAC)” means the sum of both the free available and combined chlorine.

OOO. “Tripping hazard” means any abrupt rise, spalling walks, sunken or raised walkways, or other condition that could cause tripping.

PPP. “Turnover rate” means the rate of flow, in gallons per minute, required to circulate the entire volume of the pool water through a circulation system.

QQQ. “Turnover time” means the time required to circulate the entire volume of the pool water through a circulation system. Also see recirculation interval.

RRR. “Valve” means any device in a pipe that will partially or totally obstruct the flow of water, such as a ball, gate or globe valve; or permit flow in one direction only, such as a check or foot valve.

SSS. “Variance” means written permission from the department for operation of a public pool, spa, bath, or wading pool using alternative measures that will provide public health and safety protection that is equal to or greater than the protections provided in this rule.

TTT. “Walking surface” means any surface used as a direct access surface for a pool, as well as the area leading to and from the pool to locker, restroom or change room facilities.

UUU. “Waterpark slide” means a slide at a public pool, which has a length of at least twenty feet, not including the platform, and a height of greater than 12 feet.

VVV. “Water surface” means that portion of the pool surface where swimming is allowed.

[7.18.2.7 NMAC - Rp, 7 NMAC 18.1.I.106, 03/30/05]

7.18.2.8 ADOPTION BY REFERENCE: Outside standards, listings, and publications referenced in this rule are part of this rule.

[7.18.2.8 NMAC - N, 03/30/05]

7.18.2.9 ENFORCEMENT AUTHORITY:

A. Private pools shall not be subject to the provisions of this regulation or 7.18.3 NMAC, Public Swimming Pools, Spas and Baths: Design and Construction or 7.18.4 NMAC, Public Swimming Pools, Spas and Baths: Maintenance and Operation Requirements or 7.18.5 NMAC, Public Swimming Pools, Spas and Baths: Fees.

B. Department representatives shall be responsible for the enforcement of this rule.
[7.18.2.9 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.2.10 CONSTRUCTION PERMITS:

A. No person shall construct, renovate, or remodel a public pool or bathhouse or alter any such structures without first:

- (1) submitting a construction permit application that shall include plans, specifications, supporting material, and other information required by the department;
- (2) receiving a construction permit; and
- (3) paying all applicable fees.

B. No person shall deviate from the approved plans and specifications during the construction, renovation, or remodeling of public pool facilities described in this rule without first receiving prior written approval from the department.

C. Construction permits will be issued only to the owner or authorized agent of the owner.

D. A construction permit may be issued only when the facility owner or agent has provided sufficient information for the department to determine that the public pool will:

- (1) operate continuously in a clean and sanitary manner;
- (2) not constitute a menace to public health and safety; and
- (3) provide health and safety protection equal to or greater than that required by the public swimming pool rules.

E. Plans and specifications for a proposed public pool that demonstrate a new technology or alternative mode of operation not contemplated in these rules shall apply for a variance.

F. The department shall either issue a construction permit, issue a construction permit with conditions, or deny the construction permit. The department may revoke a construction permit under 7.18.2.19 NMAC or suspend a construction permit if the department determines that the provisions of the public swimming pool rules are not met.

G. The department shall notify the applicant in writing that the application is complete or incomplete within 30 days of receipt of the application.

H. Once the department determines that the application is complete, it shall have 30 days to issue the permit, issue the permit with conditions, or deny the permit. All permit denials shall be in writing stating the reason the permit was denied. The applicant for a permit that has been denied may request an administrative hearing. The request for a hearing shall be made in writing to the department within 15 calendar days after notice of the department's decision has been received by the applicant. Hearings on permit denials shall be held in accordance with 7.18.2.22 NMAC.

[7.18.2.10 NMAC - Rp, 7 NMAC 18.1.I.108 & 109, 03/30/05]

7.18.2.11 PLANS AND SPECIFICATIONS:

A. Clear and legible plans and specifications shall be prepared, stamped, and signed by a professional engineer or architect registered in the state of New Mexico.

B. Plans for each public pool shall be submitted in duplicate, drawn to scale and shall include:

- (1) one plan view;
- (2) one longitudinal section;
- (3) one transverse section through the main drain;
- (4) one overall site plan showing the pool in relation to other facilities in the area with true north indicated;
- (5) a detailed view of the equipment layout and the associated room or location;
- (6) location of all above and below ground utilities;
- (7) one piping schematic showing piping, pipe size, inlets, main drains, skimmers, gutter outlets, vacuum fittings, and all other appurtenances connected to the pool piping system;
- (8) one cross section of the step treads and risers;
- (9) means of disposing of backwash and wastewater;
- (10) specifications of all required components;
- (11) deck drains, if required;
- (12) location of wastewater receptacle;
- (13) emergency phone location;
- (14) emergency pump shut-off switch location;
- (15) location of any lifeline or lane anchors;
- (16) location, layout, and specifications of the pool enclosure, including windows, HVAC (heating, ventilation, and air conditioning system), gates and doors; and
- (17) other information the department may require.

C. Plan notes denoting "work by others" or an equivalent phrase shall not be acceptable as a substitute for scale drawings, details and specifications.

D. Plans shall include the following information in tabulated form:

- (1) legal address of the facility;
- (2) location of the facility if different from legal address;
- (3) owner's name, address, and telephone number;

- (4) architect or engineer's name, address, and telephone number;
- (5) surface area of pool;
- (6) pool volume, recirculation interval, turnover rate, filter rate/unit area, type of filter and total system head loss;
- (7) manufacturer, make and model numbers of the pump, filter, and automatic chemical feed apparatus, filter head loss (clean and dirty), pump curve showing design flow rate and total dynamic head, hydraulic engineering calculations that are acceptable to the department;
- (8) source of water used at the pool; and
- (9) other information the department may require.

E. Plans shall include the location of emergency telephones, which may be either within the public pool enclosure or at an adjacent support facility, that are accessible at all times the pool is open. When an emergency telephone is located within an adjacent support facility, the owner shall indicate on the plans how the telephones can be accessed during operating hours and how the public will be notified of the emergency telephone location.

F. Nothing in the swimming pool rules shall prevent the department from requiring the correction of errors in plans and specifications after those plans have been approved or the specifications accepted. The department may also halt construction operations conducted pursuant to approved plans and specifications when such construction is in violation of this or any other law or regulation. The department may also revoke any approvals that are issued in error.

G. Public pool structures that exist prior to the swimming pool rules' promulgation and that do not meet the rules' provisions shall be allowed until such time as the public pool is remodeled or renovated.

[7.18.2.11 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.2.12 OPERATING PERMITS:

A. No person shall operate a public pool, spa, or bath without an operating permit from the department. Each public pool at a facility or site shall be permitted separately.

B. Operating permits shall be issued annually after completion of a department inspection that demonstrates compliance with the public swimming pool rules.

C. No person shall operate a public pool without first:

- (1) securing an approved final construction inspection from the department if plans are required;
- (2) making application for a permit to operate such pool;
- (3) securing a permit from the department; and
- (4) paying all applicable fees.

D. The permit shall remain the property of the department and may be removed by the department representative when a permit is suspended or revoked.

E. The department shall grant permission to operate a seasonal public pool only upon completion of a satisfactory pre-opening inspection.

F. The department shall grant permission for continuous year-round operation of a public pool only upon completion of a satisfactory inspection prior to renewal of an annual operating permit.

G. The designated certified operator of a seasonal or year round public pool shall be present for the seasonal pre-opening or permit renewal inspection.

H. The certified operator shall request an inspection to receive an annual operating permit prior to the opening date of operation of any public pool.

I. Operating permits are non-transferable between facilities or persons.

[7.18.2.12 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.13 CERTIFIED OPERATOR REQUIREMENTS:

A. All public pools, spas, and baths shall have a certified operator on staff or by contract who is available on a daily basis. Pools, spas, and baths will have two years from the effective date of this rule to come into compliance with the certified operator requirements.

B. Operators of public pools shall be thoroughly knowledgeable of public pool operation best practices, laws, and rules, and shall be certified through a department approved training course in swimming pool sanitation and safety.

C. The department may grant certification following presentation and confirmation of certification from other approved organizations.

D. Certifications shall expire three years following date of issue or on the expiration date for certifications issued by other approved certifying organizations.
[7.18.2.13 NMAC - Rp, 7 NMAC 18.1.IV.401, 03/30/05]

7.18.2.14 INSPECTION FREQUENCY: The department shall inspect each public pool at least annually and shall make as many re-inspections as necessary for enforcement of the public swimming pool rules.
[7.18.2.14 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.15 SERVICE OF NOTICE:

A. Notice shall be deemed to be properly served when the original or a true copy of the inspection report form or other written notice has been delivered personally to the permit holder, the permit holder's agent, or a certified operator; or when such notice has been sent by registered or certified mail to the last known address of the permit holder or certified operator on file with the department.

B. A copy of such notice shall be filed in the department's records.
[7.18.2.15 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.16 TEMPORARY SUSPENSION OF PERMITS:

A. The department may suspend a permit at any time when it determines that there is a violation that may affect public health or safety.

B. Whenever a permit holder or operator has failed to comply with any of the requirements of this rule, the permit holder or operator shall be notified in writing.

C. The notice shall:

- (1) identify and reference the conditions that violate the swimming pool rules;
- (2) specify the time period within which such condition shall be brought into compliance, if any;
- (3) state that failure to comply with any notice issued pursuant to the swimming pool rules may result in immediate permit suspension; and
- (4) advise that the permit shall be suspended at the end of five working days following service of such notice, unless a request for a hearing is delivered to the department by the permit holder within the five-day period.

D. Immediate suspension: Notwithstanding other provisions of this regulation, whenever a department representative finds a condition in a public pool's operation that constitutes an immediate hazard to public health, welfare, or safety, the department representative may, without prior warning, notice, or hearing, issue a written notice to the permit holder or operator citing such condition. The department's notice shall state that the permit is immediately suspended and all swimming or bathing of any kind is to be immediately discontinued.

E. All persons receiving a permit suspension notice shall immediately comply with the notice's terms.

F. For immediate suspensions, suspensions upheld after a hearing, and where no request for a hearing has been received, the department shall post a sign stating that the pool is closed.

G. The department may also require a written compliance plan.
[7.18.2.16 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.17 TEMPORARY SUSPENSION OF OPERATOR CERTIFICATION:

A. The department may suspend a certified operator's certification if:

- (1) a pool he or she is operating has had its operating permit suspended or revoked; or
- (2) the department determines that the operator has committed a violation that may affect public health or safety.

B. A department representative shall notify the certified operator in writing stating the reason the certification is subject to suspension and advising that the certification shall be suspended at the end of five working days following service of such notice, unless a request for a hearing is delivered to the department by the certified operator within the five-day period.

[7.18.2.17 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.18 REINSTATEMENT OF SUSPENDED PERMITS AND CERTIFICATIONS:

A. Any person whose permit has been suspended may make application for reinstatement of the permit in writing to the department. Within five working days following receipt of such a request, a department

representative shall inspect the pool or premises or both. If the applicant is in compliance with the requirements of the swimming pool rules and other applicable laws, regulations, and ordinances, the permit shall be reinstated.

B. Any person whose operator's certification has been suspended may make application in writing for re-instatement of their certification. Within five working days following receipt of such a request, the department shall ascertain the status of compliance with the requirements set forth in any administrative action or hearings. If the applicant is in compliance with the requirements of the public swimming pool rules, an administrative action or hearing, and other applicable laws, regulations and ordinances, the certification shall be reinstated.

C. The department may require a swimming pool operator or employee to attend additional training courses in pool sanitation and safety.

[7.18.2.18 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.19 REVOCATION OF PERMIT:

A. A permit may be revoked when:

- (1) it appears that a violation may affect public health or safety;
- (2) any conditions of a permit are violated;
- (3) there are willful or repeated violations of any of the requirements in the public swimming pool rules;
- (4) the permit has been obtained through nondisclosure, misrepresentation, or misstatement of a material fact; or
- (5) the owner or the owner's agent interferes with the department's performance of its duties.

B. Prior to such revocation, the department shall provide an opportunity for a hearing. A department representative shall notify the permit holder in writing stating the reason the permit is subject to revocation and advising that the permit shall be revoked at the end of five working days following service of such notice, unless a request for a hearing is delivered to the department by the permit holder within the five-day period.

C. Owners and operators of public pools who fail to comply with the provisions of a suspension notice or open their facility to the public without an approved permit will be subject to the penalties described in 7.18.2.56 NMAC.

[7.18.2.19 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.20 REVOCATION OF POOL OPERATOR CERTIFICATION:

A. A pool operator certification may be revoked when:

- (1) there are willful or repeated violations of any requirements in the public swimming pool rules;
- (2) the permit has been obtained through nondisclosure, misrepresentation, or misstatement of a material fact; or
- (3) the certified operator interferes with the department in the performance of its duties.

B. Prior to such revocation:

- (1) the department shall provide an opportunity for a hearing; the hearing officer shall be appointed by the secretary of the environment department;
- (2) a department representative shall notify the certified operator in writing stating the reason the certification is subject to revocation and advising that the certification shall be revoked at the end of five working days following service of such notice, unless a request for a hearing is delivered to the department by the certified operator within the five-day period.

[7.18.2.20 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.21 OTHER REMEDIES: [RESERVED]

7.18.2.22 HEARINGS:

A. Hearings provided for in the public swimming pool rules shall be held within 15 working days of a petitioner's delivery of a hearing request to the department.

B. Hearings provided for in this regulation shall be conducted in accordance with 20.1.5 NMAC.

[7.18.2.22 NMAC - Rp, 7 NMAC 18.1.I.110, 03/30/05]

7.18.2.23 VARIANCE:

A. The department may grant a variance from the public swimming pool rules' requirements through written permission from the department for operation of a public pool using alternative measures that will provide

public health and safety protection that is equal to or greater than the protections provided in the public swimming pool rules.

B. Specific variance requests shall be made by the owner or the owner's designated agent. Designated agents shall provide written documentation signed by the owner that they are representing the owner regarding the specific variance application. All variance applications shall be signed by the owner.

C. It is the applicant's responsibility to provide all necessary information to support the request for a variance.

D. Any person applying for a variance from any provision of the public swimming pool rules shall do so by filing a written application with the department. Applications shall:

- (1) be made on forms obtained from the department;
- (2) state the applicant's name and mailing address;
- (3) state the date of the application;
- (4) state the provision or provisions of this regulation for which the variance is sought;
- (5) state in detail the extent to which the applicant wishes to vary from the provision or provisions;
- (6) state the period of time for which the variance is sought;
- (7) state why the applicant believes the variance is justified;
- (8) be accompanied by any relevant documents or material which the applicant believes would support the application for a variance; and
- (9) contain other relevant information the department may request.

E. Within twenty days following receipt of a completed variance application, the department shall grant the variance, grant the variance subject to conditions, or deny the variance. The action taken by the department shall be by written order, a copy of which shall be sent to the applicant. The order shall:

- (1) state the applicant's name and address;
- (2) state the date the order is made;
- (3) describe the location of the public pool or public bath; and
- (4) state the department's decision and its reasons.

F. If a variance is granted, the order will state the effective period of time and any conditions that apply.

G. All variances shall be reviewed annually; if variance conditions have not been met, a permit shall not be issued.

H. Petitioners who are dissatisfied with the department's decision may request a hearing from the department secretary.

(1) The request shall be made in writing to the department secretary within 15 calendar days after notice of the department's decision has been received by the petitioner.

(2) Unless a request has been received within the 15 calendar day period, the department's decision shall be final.

(3) If a request has been received within the 15 calendar day period, the department secretary or his/her designated representative shall hold a hearing within 15 days after the receipt of the request.

I. The department shall notify the petitioner by certified mail of the date, time and place of the hearing.

J. In the hearing, the burden of proof shall be upon the petitioner.

[7.18.2.23 NMAC - Rp, 7 NMAC 18.1.I.110, 03/30/05]

7.18.2.24 VOIDING OF VARIANCES:

A. An approved variance shall be void one year after the date of approval if the permitted activities granted thereby have not been utilized. If the department voids a variance for any reason, the department will serve written notice on the permit holder.

B. The department may void a variance if subsequent events show that the variance has created or may create conditions hazardous to the public health, safety, or welfare.

C. An approved variance shall be void if it is utilized in a way that violates the terms of the variance. Voiding a variance is in addition to, and not instead of, other remedies available to the department at any time for violation of the public swimming pool rules.

D. Any person who has been granted a variance shall sign a department approved indemnification and release of liability statement form.

[7.18.2.24 NMAC - Rp, 7 NMAC 18.1.I.110, 03/30/05]

7.18.2.25 RIGHT OF ENTRY:

A. Upon presentation of credentials, department representatives may enter any premises where a public pool is located or where records required by the public swimming pool rules are located during the public pool's operating hours.

B. When entry is denied by the property owner, the department may seek a district court order to:

- (1) have a right of entry to, upon, or through any premises where a public pool is located;
- (2) have a right of entry on any premises where any records required by the public swimming pool rules or by permit condition are kept;
- (3) have access to and copy any records that the public swimming pool rules or a permit requires the facility to maintain;
- (4) inspect any premises or equipment to determine compliance with the public swimming pool rules or any permit condition; and
- (5) obtain any sample(s) required to determine compliance with the public swimming pool rules or any permit condition.

[7.18.2.25 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.26 to 7.18.2.50 [RESERVED]

7.18.2.51 CONSTRUCTION: This part shall be liberally construed to carry out its purpose.

[7.18.2.51 NMAC - N, 03/30/05]

7.18.2.52 SEVERABILITY: If any provision or application of this part is held invalid, the remainder of this part, or its application to other situations or persons, shall not be affected.

[7.18.2.52 NMAC - Rp, 7 NMAC 18.1.V.500, 03/30/05]

7.18.2.53 REFERENCES IN OTHER REGULATIONS: Any reference to the public swimming pool regulations or to any prior version of the public swimming pool regulations in any other rule shall be construed as a reference to this rule. References to the "public swimming pool rules" in this part refer to all provisions contained in 7.18.2 through 7.18.5 NMAC.

[7.18.2.53 NMAC - Rp, 7 NMAC 18.1.V.501, 03/30/05]

7.18.2.54 SAVINGS CLAUSE: Repeal or supersession of prior versions of this part or the public swimming pool rules shall not affect any administrative or judicial action initiated under those prior versions.

[7.18.2.54 NMAC - Rp, 7 NMAC 18.1.V.502, 03/30/05]

7.18.2.55 COMPLIANCE WITH OTHER REGULATIONS: Compliance with the public swimming pool rules or this part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.

[7.18.2.55 NMAC - Rp, 7 NMAC 18.1.V.503, 03/30/05]

7.18.2.56 PENALTY: Any person who violates any provision of this rule shall be subject to the penalty provisions in NMSA 1978, Section 74-1-10 of the Environmental Improvement Act, in addition to any other penalties provided for in the public swimming pool rules.

[7.18.2.56 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.2.57 LIMITATION OF DEFENSE: The existence of a valid permit for the installation, modification or operation of a pool shall not constitute a defense to a violation of any section of this rule, except the requirement for obtaining a permit.

[7.18.2.57 NMAC - N, 03/30/05]

HISTORY OF 7.18.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives:

HSSD 72-2, Swimming Pool Regulations Governing the Sanitary Design, Equipment, Construction and Operation, filed 9/27/72.

EIB 74-2, Regulations Governing Public Baths and Public and Semi-Public Swimming Pools, filed 7/15/74.

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths, filed 3/25/76.

History of Repealed Material: 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) repealed 03/30/05.

Other History:

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths (filed 3/25/76) was reformatted, renumbered and replaced by 7 NMAC 18.1, Public Swimming Pools and Public Baths, effective 11/30/1995. Portions of 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) was replaced by 7.18.2 NMAC, Public Swimming Pools, Spas and Baths: General Provisions, effective 03/30/05.

TITLE 7 HEALTH
CHAPTER 18 SWIMMING POOLS
PART 3 PUBLIC SWIMMING POOLS, SPAS AND BATHS: DESIGN AND CONSTRUCTION

7.18.3.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.

[7.18.3.1 NMAC - Rp, 7 NMAC 18.1.I.100, 03/30/05]

7.18.3.2 SCOPE: Owners and operators of public swimming pools, public spas, public baths, or other public bathing attractions.

[7.18.3.2 NMAC - Rp, 7 NMAC 18.1.I.101, 03/30/05]

7.18.3.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-1 through 74-1-16.

[7.18.3.3 NMAC - Rp, 7 NMAC 18.1.I.102, 03/30/05]

7.18.3.4 DURATION: Permanent.

[7.18.3.4 NMAC - Rp, 7 NMAC 18.1.I.103, 03/30/05]

7.18.3.5 EFFECTIVE DATE: 03/30/05, unless a later date is cited at the end of a section.

[7.18.3.5 NMAC - Rp, 7 NMAC 18.1.I.104, 03/30/05]

7.18.3.6 OBJECTIVE: To protect the public health and safety by establishing standards and provisions for the regulation of public swimming pools, spas, baths, and other public bathing attractions.

[7.18.3.6 NMAC - Rp, 7 NMAC 18.1.I.105, 03/30/05]

7.18.3.7 DEFINITIONS: Unless otherwise defined in the public swimming pool rules, the words and phrases used in this rule have the same meanings as in Section 7.18.2.7 NMAC, Public Swimming Pools, Spas and Baths: General Provisions.

[7.18.3.7 NMAC - N, 03/30/05]

7.18.3.8 ADOPTION BY REFERENCE: Outside standards, listings and publications referenced in this regulation are incorporated as part of this regulation.

[7.18.3.8 NMAC - N, 03/30/05]

7.18.3.9 ENFORCEMENT AUTHORITY:

- A.** Private pools shall not be subject to the provisions of this rule or to 7.18.2 through 7.18.5 NMAC.
- B.** Department representative shall be responsible for the enforcement of this regulation.

[7.18.3.9 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.3.10 GENERAL AND STRUCTURAL DESIGN:

- A.** Public pools and all appurtenances shall be constructed of materials that:
 - (1)** are nontoxic to humans and the environment;
 - (2)** are impervious and durable;
 - (3)** will withstand design stresses, and
 - (4)** will provide a watertight structure with a smooth and easily cleanable surface without cracks or joints, excluding structural joints.
- B.** The department may require structural information from an engineer of appropriate competency.
- C.** The structural design and materials used for public pools shall be in accordance with the rules, regulations and generally accepted industry engineering practices and methods prevailing at the time of original construction.
- D.** Public pools with wooden interior surfaces are prohibited.
- E.** Equipment for a public pool such as, but not limited to pumps, filters, skimmers and chemical feeders shall be NSF/ANSI 50-2004 certified. Pool equipment shall bear the mark of an ANSI-accredited, independent, third party conformity assessment organization such as the NSF, underwriters laboratories, inc. (UL), edison testing laboratories (ETL) or other similar organizations.
- F.** The use of earth as an interior finish in a public pool is prohibited. Clean sand or similar material, if used in a beach pool environment shall only be used over an impervious surface. The material shall be appropriate

for pool use, and controlled to not adversely affect the proper filtration, treatment system, maintenance, safety, sanitation, water clarity and operation of the pool. If sand or similar material is used, positive up flow circulation through the material shall be provided as necessary to assure that sanitary conditions are maintained at all times.

G. The colors, patterns, or finishes of a public pool shall not obscure the existence or presence of objects or surfaces within the pool. All new pool interior finishes shall be white or lightly colored except for:

- (1) decorative wall tiles and depth markings when such tiles are installed at the top of the pool wall;
- (2) racing lane markings (painted or tiled, maximum twelve inches wide);
- (3) turn targets;
- (4) safety markers; and,
- (5) other decorative items as approved by the department.

H. A hydrostatic relief valve or a more extensive hydrostatic relief system shall be installed if necessary to prevent ground water pressure from displacing or otherwise damaging a pool or spa.

I. The surfaces within a pool, intended to provide footing for users, shall have a slip-resistant surface to reduce the chance of a fall.

- (1) The roughness or irregularity of such surfaces shall not cause injury to the feet during normal use.
- (2) Decorative floor tiles shall not create a safety hazard.

J. Roofs or canopies over pools shall be constructed so that water run-off or other forms of pollution do not drain or fall into the pool.

K. All plumbing shall be sized, installed and maintained according to applicable state regulations and local plumbing codes. Pool owners and operators shall provide the department with written evidence of compliance with all plumbing codes from a plumbing inspector.

L. All electrical wiring, equipment and installation, including the grounding of pool components shall conform to all applicable state regulations and local electrical codes. Pool owners and operators shall provide the department with written evidence of compliance with all electrical codes from an electrical inspector.

M. Any public pool that is designed or used for more than one use as defined by the public swimming pool regulations, 7.18.2 through 7.18.5 NMAC, shall adhere to the most restrictive requirements in the public swimming pool rules.

[7.18.3.10 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.11 DIMENSIONS:

A. Public pools shall have no sharp edges or protrusions where walls meet at an acute angle. Public pools shall be shaped to provide for complete water recirculation and mixing.

B. There shall be no interior walls, ledges or curbs within the perimeter walls of a public pool.

C. The inside wall surface of a pool shall be vertical, except where coved construction is used between the sidewalls and the bottom of the pool.

(1) In coved construction, the radius of curvature in an area less than five feet deep shall not exceed six inches at a depth of three feet six inches and shall not exceed two feet at a depth of five feet or greater.

(2) There shall be a uniform transition in the cove throughout all depths of the pool.

D. The slope of the bottom of any part of the pool shall not be more than one foot of fall for every twelve horizontal feet where the water depth is no more than five feet and the slope shall be constant throughout. Floor slopes in the transition area between the deep and shallow portions of the pool shall not exceed one foot of fall in three horizontal feet.

[7.18.3.11 NMAC - Rp, 7 NMAC 18.1.II.201, 03/30/05]

7.18.3.12 MARKINGS AND LIFELINES:

A. A lifeline shall be provided two feet into the shallow portion of the pool from the break in grade between the deep and shallow portions of the pool. A lifeline is not required where there is a uniform slope.

(1) The lifeline shall be securely fastened to wall anchors. Wall anchors shall be of corrosion-resistant materials and shall be recessed or have no projections which constitute safety hazards when the lifeline is removed.

(2) The lifeline shall be marked with visible floats at no greater than two foot intervals.

(3) The line shall be of sufficient size and strength to offer a good handhold and to support loads normally imposed by bathers;

(4) The lifeline shall remain in place except when pool use is restricted to lap swimming by competent swimmers or to supervised swimming instruction.

B. The break in grade of the pool bottom shall be marked with a four inch minimum width of floor tile or painted stripe of a color contrasting with the bottom, for the entire width of the pool. Where there is a uniform slope, a stripe is not required.

C. The depth of water (in feet) shall be plainly and conspicuously marked above or at water level on the vertical pool wall except for splash-out (deck level overflow) pools and on the top of the coping or edge of the walk within eighteen inches of the water edge. Depth markers shall be placed on each side and on each end of a pool.

(1) Depth markers shall be placed at the maximum and minimum depth points and at one foot depth increments in between the minimum and maximum depth points.

(2) Depth markings shall be spaced at no more than fifteen foot intervals.

(3) Pools shall have depth markings at slope breaks.

(4) Depth markings shall be at least four inches in height and of a color contrasting with the background.

D. Public spa pools with a uniform maximum depth shall have the maximum water depth indicated.

(1) Public spa pools providing perimeter seating shall have contrasting permanent marking no less than two inches wide on the top surface along the front leading edge of the bench.

(2) Public spa pools shall have depth markers spaced at no more than ten foot intervals, but in no case fewer than two depth markers per spa, regardless of the spa size or shape.

E. Non-slip markers, with the words "No Diving" shall be placed between the depth markers on the walkway where the water depth is less than five feet at a public pool other than a spa pool or a wading pool. "No Diving" symbols that are not less than four inches high shall be placed on the walkway together with "No Diving" markers. Other locations for symbols and markers may be approved by the department.

[7.18.3.12 NMAC - Rp, 7 NMAC 18.1.II.201 & 202, 03/30/05]

7.18.3.13 LIGHTING:

A. Sufficient lighting shall be provided to ensure visibility of the pool bottom at all times. Owners shall provide protective shielding for all lighting fixtures above walking surfaces and pool areas.

B. All pools shall have underwater lighting of not less than 0.5 watts incandescent per square foot of pool area. Area lighting shall be provided a total capacity of not less than fifteen footcandles for the deck areas and directed to minimize glare on the surface of the pool. The area lighting shall have a total capacity of not less than fifteen foot candles.

C. For pools built prior to the effective date of this regulation where underwater lighting is not employed, the pool and deck area shall have a lighting capacity of no less than thirty foot candles.

[7.18.3.13 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.14 INDOOR POOL VENTILATION:

A. Ventilation shall be provided for indoor public pools to minimize condensation and odors.

B. A minimum of four air changes per hour shall be maintained within the indoor public pool area.

C. The public pool area shall be ventilated to the outside without returning air to the central heating system, or air shall be recirculated through a dehumidifying system. If water is separated from the air for re-use in the pool, it shall be returned via the circulation/filtration system prior to entering the pool.

D. The building ventilation system shall prevent air in the bathroom from drifting or flowing into other areas.

E. The mixture of interior recirculated air and outside air shall prevent excessive dampness and humidity in the pool area.

[7.18.3.14 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.15 LADDERS, RECESSED STEPS, STAIRWAYS AND RAMPS:

A. All public pools, except for spray pads or wading pools, shall have a ladder, set of recessed steps or stairs located at fifty foot intervals around the pool perimeter.

B. There shall be at least one set of stairs at the shallow end of the pool, except in zero depth pools, wading pools, or spas less than twenty-four inches deep.

C. Pools greater than thirty feet in width shall provide recessed steps, ladders or stairs on both sides of the deep area. There shall be at least one stairway at the shallow end of the pool. Ladders may be provided in lieu of stairs in pools where depth is five feet or greater.

D. Ladder treads, recessed step surfaces and stairs shall have slip-resistant surfaces.

(1) Ladders and recessed steps shall have two handrails. The outside diameter of the ladder rail shall be between one inch and two inches.

(2) Stairs shall have at least one handrail accessible from all points on the stairs.

(3) There shall be a clearance of not more than five inches or less than three inches between the ladder and the pool wall below the water line.

E. If recessed steps are provided, they shall be easy to clean and shall drain into the pool to prevent the accumulation of dirt. Recessed steps shall have a minimum tread of five inches and a minimum width of fourteen inches.

F. Ladders, recessed steps and stairways shall be located to not interfere with racing lanes.

G. Stair treads shall have a minimum unobstructed horizontal tread depth of ten inches and a minimum unobstructed surface area of two hundred forty square inches.

H. Riser heights on steps shall be between seven and twelve inches and shall be uniform throughout except for the bottom riser when used as a bench or seat.

I. Except for spa pools, steps for entering or leaving the pool shall be a minimum of four feet wide, unless corner or circular steps are used. If corner or circular steps are used, the maximum radius of the bottom steps shall be forty-two inches, but no projection shall create a safety hazard.

J. The outer two inches edge of the stair tread shall be constructed of a material that contrasts with the color of the stairs and is clearly visible to bathers.

K. A side handrail extending up and above and returning to the horizontal surface of the pool deck, curb or coping shall be provided at each side of each ladder or set of recessed steps.

L. The leading edge of the handrail shall be no more than eighteen inches, plus or minus three inches, horizontally from the vertical plane of the bottom riser, where applicable.

M. Ramp entry into the pool shall meet the following requirements.

(1) Handrails shall extend over the deck edge and extend to the bottom of the ramp for entering and leaving the pool.

(2) Ramp edges protruding into the pool shall be of a contrasting color.

(3) Pool access shall comply with the requirements of Title 42, Sections 12101 *et. seq.* of the United States Code, the Americans with Disabilities Act.

[7.18.3.15 NMAC - 7 NMAC 18.1.II.201-204, 03/30/05]

7.18.3.16 SPECIAL DESIGN FEATURES:

A. If waterfalls or rockery are installed at a public pool, the following requirements shall apply.

(1) If waterfalls or rockery are to be installed at or adjacent to a pool and the height of the feature is twelve inches or less above the water level of the pool:

(a) waterfalls may spill directly into the pool from the side wall;

(b) rockery shall come no closer than four feet from the edge of the pool, at pools that are not required to have lifeguards; or

(c) rockery is allowed up to the pool edge as long as the rockery feature does not cover more than five percent of the pool deck perimeter at pools that are required to have lifeguards.

(2) If waterfalls or rockery are to be installed at or adjacent to a pool and the height of the feature is greater than 12 inches and less than thirty inches above the water level of the pool:

(a) waterfalls and rockery shall not be closer than eight feet from the edge of the pool at pools that are not required to have lifeguards; or

(b) waterfalls and rockery are allowed up to the pool edge as long as the waterfall or rockery does not cover more than five percent of the pool deck perimeter at pools that are required to have lifeguards.

(3) If waterfalls or rockery are to be installed at or adjacent to a pool and the height of the feature is greater than 30 inches above the water level of the pool:

(a) waterfalls and rockery shall come no closer than fifteen feet from the edge of the pool at pools that are not required to have lifeguards; or

(b) waterfalls and rockery are allowed up to the pool edge as long as the waterfall or rockery does not occupy more than five percent of the pool deck perimeter at pools that are required to have lifeguards.

B. Plantings may come no closer than four feet from the edge of the pool.

C. Where waterfalls are provided in deep areas of pools, a minimum four foot wide walkway areas is to be maintained around the waterfalls.

D. Waterfalls that commingle with the pool water shall conform with water quality and treatment requirements established for the pool. The department may require additional disinfection capability to address anticipated increased demand for and aerosolization of the disinfectant.

E. Flows shall not create turbulence that may create a safety hazard or reduce visibility in the pool.
[7.18.3.16 NMAC - N, 03/30/05]

7.18.3.17 DIVING AREAS:

A. In a public pool where diving and swimming are allowed, the area of the pool where diving is permitted shall be:

- (1) separated from the main swimming area by a lifeline in rectangular pools; and
- (2) in the case of a T, L or Z shaped pool, in a recessed area forming one of the legs of the T, L or Z, which is separated from the main swimming area by a lifeline.

B. Public pools used for diving shall comply with the following water depths and lateral and vertical clearances.

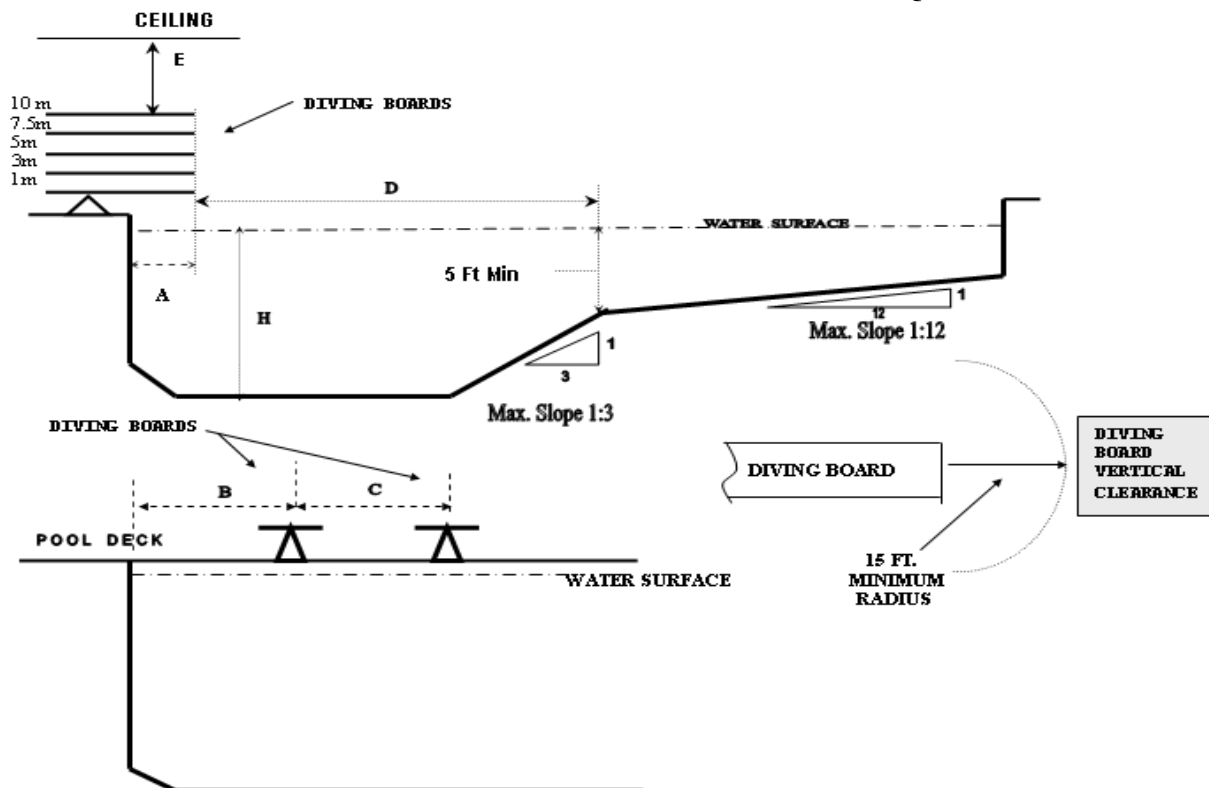
(1) Diving areas shall have the minimum dimensions and clearances as specified in Section 7.18.3.18 and Section 7.18.3.19 NMAC of this rule.

(2) The area of vertical clearance, as specified in Dimension E, Section 7.18.3.18 NMAC of this rule, shall be a cylinder with a minimum radius of fifteen feet. The center point of the cylinder shall be located on the edge of the diving end of the diving board, at a point one half of the width of the diving board as specified in Section 7.18.3.18 NMAC of this rule.

(3) If a pool is not in compliance with the requirements of this rule, the diving facility or equipment shall be removed or be brought into compliance with this rule.

[7.18.3.17 NMAC - 7 NMAC 18.1.II.201-204, 03/30/05]

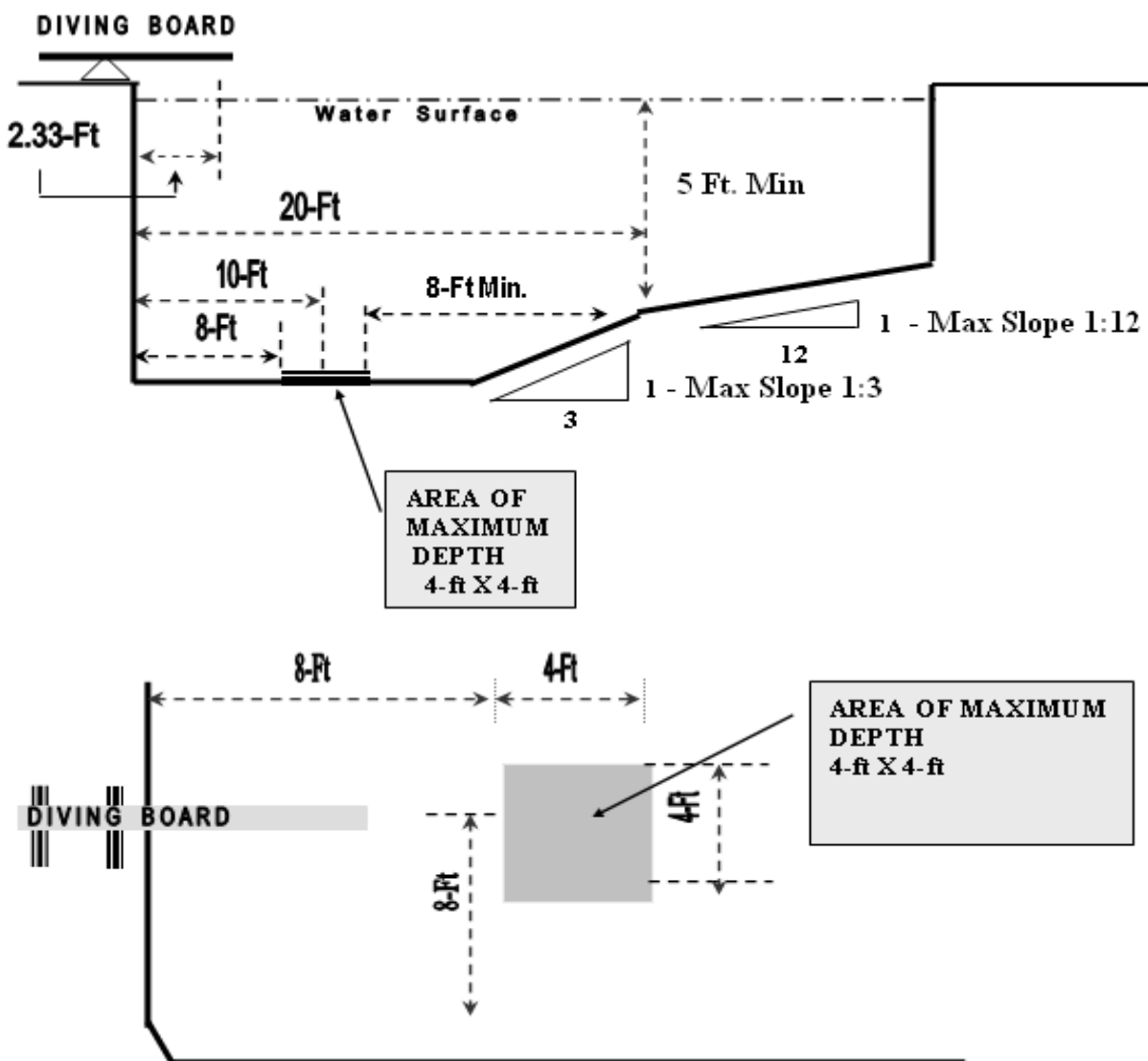
7.18.3.18 DIVING BOARD AND PLATFORM DIMENSIONS AND REQUIREMENTS:



Diving Board or Platform	A	B	C	D	E	H
One (1) meter board	6	10	10	29	16	12
One (1) meter platform	4	7.5	10	26	10	11
Three (3) meter board	6	12	10	34	16	13
Three (3) meter platform	4	9.5	10	31	10	11
Five (5) meter platform	5	14	10	34	10	13
Seven and one half (7.5) meter platform	5	15	10	36	10	15
Ten (10) meter platform	6	17	12	45	10	17

[7.18.3.18 NMAC - Rp, 7 NMAC 18.II.204, 03/30/05]

7.18.3.19 DECK LEVEL DIVING BOARD DIMENSIONS AND REQUIREMENTS:



[7.18.3.19 NMAC - Rp, 7 NMAC 18.II.204, 03/30/05]

7.18.3.20 DIVING EQUIPMENT:

A. Diving boards, towers and platforms in excess of three meters in height shall comply with the dimensional design requirements of the U.S. diving, national federation of state high school associations (NFSHSA) or equivalent standards.

B. Supports for diving equipment, such as platforms, stairs and ladders shall be designed to carry anticipated loads. Stairs and ladders shall be of corrosion-resistant material and easily cleanable with slip-resistant tread.

C. Diving boards and diving platforms shall be protected with forty-two inch high guardrails and one intermediate rail, both extending at least to the water edge when one meter or more above the water.

D. Diving equipment shall be designed for swimming pool use and shall be installed in accordance with the manufacturer's recommendations.

E. Pool owners and operators shall obtain diving equipment installation instructions and specifications for each unit from the manufacturer and provide it to the department upon request.

F. A label shall be permanently affixed to the diving equipment and shall include:

- (1) manufacturer's name and address;
- (2) board equipment length;
- (3) identification regarding diving or jump board;
- (4) fulcrum setting specifications (if applicable);
- (5) reference to the current year of the applicable standards; and,
- (6) reference to the applicable articles in the applicable standards.

G. Diving equipment shall have slip-resistant tread surfaces.

H. Diving equipment shall be permanently anchored to the pool deck.

[7.18.3.20 NMAC - Rp, 7 NMAC 18.1.II.201-204, 03/30/05]

7.18.3.21 POOL SLIDES:

A. Pool slides shall comply with the requirements of the U.S. consumer product safety commission safety standards for swimming pool slides as published in the Code of Federal Regulations Vol. 16, Part 1207.

B. Pool slides shall:

- (1) be constructed of sturdy and corrosion-resistant material;
- (2) be securely fastened to the pool deck;
- (3) have a ladder equipped with slip-resistant treads and rigidly attached handrails;
- (4) have runways which are smooth, of one piece, and free of cutting, pinching, puncturing or abrasion hazards; and
- (5) have a sliding surface with side rails on both sides that are no less than two inches in height.

C. Pool slide runways shall be water lubricated when in use.

D. Pool slides higher than twelve feet above the deck are prohibited.

E. Water depths shall be measured at a point four and one half feet beyond the end of the slide and are based on slide height. The required water depths are as follows:

- (1) a slide that is greater than three feet high to seven and one half feet high shall have a minimum water depth of four feet;
- (2) a slide that is greater than seven and one half feet high to eight feet high shall have a minimum water depth of five feet;
- (3) a slide that is greater than eight feet high to eleven feet high shall have a minimum water depth of five than one-half feet;
- (4) a slide that is greater than eleven feet high to twelve feet high shall have a minimum water depth of six feet.

F. Pool slides shall be equipped with the warning signs found in Section 7.18.4.26 NMAC, Required Signs.

G. Portable toddler slides, three feet or less, shall have entry into water depths that are recommended by the manufacturer and approved by the department. Water depths for slide entry are determined by but not limited to platform height, length of slide, and bather weight.

[7.18.3.21 NMAC - N, 03/30/05]

7.18.3.22 WATERSLIDES:

A. A waterslide shall consist of one or more flumes, splash pools or slide runouts, a pump reservoir and facilities for the sanitization, filtration and chemical treatment of the water.

B. The structural design of a water slide and the materials used in its construction shall conform with generally accepted structural engineering practices, and shall provide a sound, durable structure that will safely sustain all applicable loads and pressures. Pool owners and operators shall provide the department, upon request, supporting information and calculations from a New Mexico registered engineer or by a licensed engineer employed by the designer or manufacturer of the water slide and its structure.

C. Any components or accessories of a water slide that, under normal conditions of use, come into contact with bathers shall be assembled, arranged and finished so that their external surfaces and edges do not present an injury or hazard to the skin of users under casual contact.

D. Waterslide surfaces shall be inert, nontoxic, smooth and easily cleaned.

E. All curves and turns in a flume shall be:

- (1) designed so that the contact of users with the walls of the flume does not present a hazard;
- (2) constructed so that the forces on the bathers keep them safely inside the flume under all foreseeable circumstances of operation; and
- (3) be designed and constructed so that the speed of the bathers does not reach a point at which a safe equilibrium of dynamic forces cannot be maintained on any curve or turn in the flume.

F. The construction, dimensions and methods of mechanical attachment of a flume shall provide a smooth and continuous surface through the entire length of the flume. Any misalignment of joints in a sectional flume shall not exceed one-sixteenth inch and the upstream side of the joint on the rider's path shall be higher than the downstream side of the joint.

G. The walls of all flumes shall be designed so that the continuous and combined action of hydrostatic, dynamic and static loads, as well as normal environmental deterioration do not damage the flume bed to the extent of creating a structural failure that presents a hazard of injury to users or that requires unreasonable repairs that may weaken the structural integrity of the flume. Water slides shall be maintained in good operating condition.

H. Runout waterslide exits shall be designed to ensure that bathers enter the slide runout at a safe speed and angle of entry, and shall be designed with adequate length, water depth and slope to bring the user to a safe stop.

- (1) Flume or slide exits shall be at least six feet apart.

(2) Waterslide runouts, if used, shall have an exit opening or step, unless one or both of the walls of the run out are not more than sixteen inches in height from the inside or eighteen inches from the outside.

I. The flume exit of a water slide into a splash pool shall be designed with a slide exit system that provides for safe entry into the splash pool or slide run out. Present practices for safe entry include a water backup, a deceleration distance and body attitude control. Other methods are acceptable as long as safe exit velocities and proper body attitudes are assured under normal use.

J. The distance between the sidewall of the pool and that portion of the flume exit nearest the wall shall not be less than five feet at the point of exit or a greater distance as specified by the manufacturer.

K. The flume and any adjacent parallel flume, exiting to a common pool, shall not be less than six feet apart at the point of exit, as specified in Section 7.18.3.23 NMAC, or a greater distance if specified by the manufacturer.

L. The centerline of a flume and the centerline of any adjacent, but non-parallel, flume exiting into a common pool shall not intersect for a distance of twenty five feet from the exit of each of the flumes, as specified in Section 7.18.3.23 NMAC, Waterslide and Flume Exit Requirements, in this rule.

M. Except as otherwise provided in this subsection, the water depth in a splash pool at the end of the flume exit shall be a minimum of three and one half feet from the normal operating water level to the pool bottom. This depth shall be maintained for a distance of not less than twenty feet from the point of the first obstruction, or not less than thirty feet if the point of exit is even with the normal operating water level. The department may waive these requirements if a special exit system or velocity reduction technique is used that ensures a safe exit from the flume and safe entry to the splash pool.

N. If steps are provided instead of exit ladders, a handrail shall be provided at the steps opposite the point of exit from each flume. Handrails or ladder rails shall not be located in a direct line from the point of exit of the flume or slide.

O. A deck shall be provided along the exit side of the splash pool and along the other two sides of the pool.

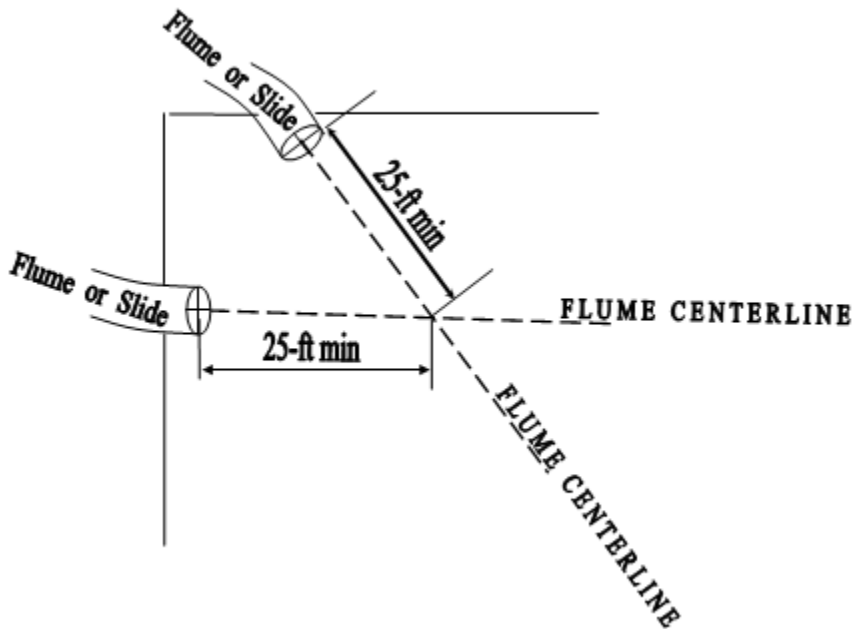
P. A concrete walkway, steps, stairway or ramp shall be provided between the splash pool and the top of the flume. The means of access shall:

- (1) not retain standing water;
- (2) not be less than three feet wide;

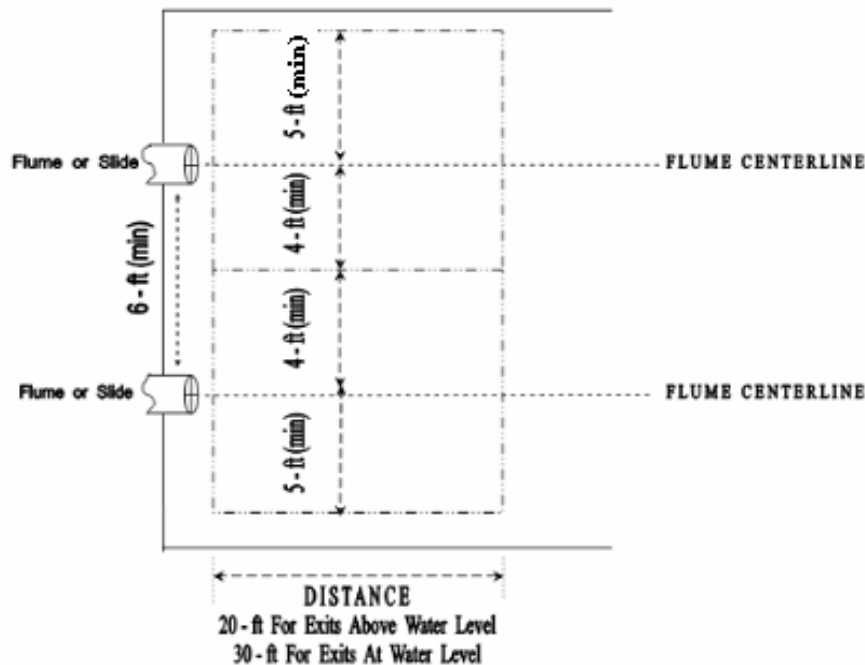
- (3) have handrails;
 - (4) have a slip-resistant surface; and
 - (5) be separated from the waterslide structure by an effective physical separation or located to prevent users from contacting the waterslide structure.
- [7.18.3.22 NMAC - N, 03/30/05]

7.18.3.23 WATERSLIDE AND FLUME EXIT REQUIREMENTS:

A. Intersecting slides or flumes:



B. Parallel slides or flumes:



[7.18.3.23 NMAC - N, 03/30/05]

7.18.3.24 PUMP RESERVOIRS AND CONTROL OF WATER:

- A. Splash pool shall maintain a constant water depth.
- B. The interior of pump reservoirs shall be watertight.
- C. Pump reservoirs shall be accessible only to authorized persons.
- D. Intakes to the slide pumps shall be designed to allow cleaning without danger of trapping the operator.
- E. A surge-free automatic water makeup system with a manual override shall be provided and operated so that the normal operating water level of the splash pool is maintained at all times. An approved backflow prevention device shall be provided on makeup water system.

F. The velocity of water at the weir or inlet grate shall not exceed one and one half feet per second.

[7.18.3.24 NMAC - N, 03/30/05]

7.18.3.25 SPRAY PADS AND INTERACTIVE FOUNTAINS:

A. The spray pad shall be equipped, at its lowest point, with an unvalved drain of sufficient capacity and designed to prevent the accumulation of water.

B. If the spray pad uses recirculated water, then filtration and disinfectant feed systems shall be provided as required by this regulation.

(1) The time to completely circulate and filter the entire volume of water in the system shall be no greater than thirty minutes.

(2) A sanitizing residual shall be maintained as specified in Section 7.18.4.11 NMAC, Pool Water Quality.

C. Spray pads that use recirculated water shall be protected by an effective and sturdy enclosure not less than three feet high.

D. Non-recirculating spray pads are exempt from the requirements for bathhouses and toilet facilities.

[7.18.3.25 NMAC - N, 03/30/05]

7.18.3.26 ACTIVITY POOLS:

A. Water play structures used in activity pools shall be designed and maintained so that their surfaces are smooth, nontoxic and easily cleanable.

B. The devices shall not pose a safety or health hazard to users and shall not interfere with circulation or sanitization of the water.

C. Activity pools shall meet all the appropriate construction, operation and maintenance requirements of a public pool.

[7.18.3.26 NMAC - N, 03/30/05]

7.18.3.27 WAVE POOLS:

A. The generation of waves more than three feet in height in a wave pool, regardless of pool depth, shall not continue for more than fifteen minutes at a time.

B. The wave pool shall not be used if the main drain is not clearly visible from the deck with the wave generating equipment turned off.

C. Bathers shall gain access to the wave pool at the shallow or beach end only.

(1) The side deck areas of the pool shall be enclosed by a fence or other comparable barrier accessible to authorized personnel only.

(2) A sign shall be posted indicating that this area is not open to the public.

D. Properly sized U.S Coast Guard approved life jackets shall be provided free for use by bathers who request them.

E. Each pool attendant and lifeguard station shall have a clearly labeled and readily accessible emergency shut-off switch for the control of the wave action system.

F. An audible warning system shall be provided to alert bathers at the beginning of wave generation.

G. Recessed steps and handrails shall be provided at one or more locations along the wall of the wave pool.

(1) The recessed steps and handrails shall extend down the wall so they will be accessible during wave generation at the lowest water level.

(2) The distance between the handrail and the wall shall not be more than five inches or less than three inches.

[7.18.3.27 NMAC - N, 03/30/05]

7.18.3.28 WATERCOURSE RIDES:

A. Handrails, steps, stairs and booster inlets for watercourse rides shall not protrude into the watercourse.

B. The watercourse shall be no less than eight feet wide or more than three and one half feet deep.

C. A department approved method of exit shall be provided not less than every two hundred feet along the watercourse.

D. A deck shall be provided along at least one side of the watercourse.

E. The design velocity of the water in a watercourse ride shall not exceed two miles per hour.

[7.18.3.28 NMAC - N, 03/30/05]

7.18.3.29 WADING POOLS:

A. A wading pool shall have:

(1) a maximum water depth of twenty four inches;

(2) a slope which does not exceed one foot in 12 feet;

(3) a slip-resistant finish;

(4) a maximum turnover time as specified in Subsection B of Section 7.18.3.37 NMAC, Recirculation System, in this rule;

(5) a separate recirculation system; and

(6) at least two inlets.

B. Adequate sanitary facilities shall be available in the vicinity of the wading pool, as required in Section 7.18.3.49 NMAC, Bathroom and Toilet Facilities, in this rule.

[7.18.3.29 NMAC - N, 03/30/05]

7.18.3.30 PUBLIC BATHS:

A. Public baths shall only be of the fill-and-draw or flow-through type.

B. Public baths shall meet all of the requirements for construction, operation, and maintenance of the public bath as specified in this rule, 7.18.2 NMAC, and 7.18.4 NMAC, except:

(1) A fill-and-draw public bath shall be exclusively for one use at a time, after which the bath shall be completely drained, cleaned, and disinfected prior to the next use.

(2) Flow-through public baths will be exempt from the requirements for recirculation, filtration and disinfection if the flow rate of water through the bath from natural or developed sources completely replaces the entire bath water volume every thirty minutes or less.

[7.18.3.30 NMAC - N, 03/30/05]

7.18.3.31 ELEVATED LIFEGUARD CHAIRS:

A. Each public pool where lifeguards are required shall have at least one elevated lifeguard chair.

B. There shall be one lifeguard chair for each lifeguard required with the exception of the lifeguard located at waterslide exits and wading pools.

C. Where more than one lifeguard chair or elevated lifeguard platform is required, there shall be a chair or platform located on each side of the pool. When there is a diving tank connected to a pool (ZLT) where the pool has more than two thousand five hundred square feet, *red cross* and American recreational association requirements shall be met.

D. Lifeguard chairs shall be located to provide a clear, unobstructed view of the bottom of the pool within a field of view no greater than ninety degrees on either side of a line of sight extending straight out from the platform or lifeguard chair.

E. Portable lifeguard chairs or elevated lifeguard platforms shall be acceptable providing they are structurally sound and tilt or tip proof.

F. Lifeguard chairs to at least six feet in height from the deck surface to the chair seat shall be located in the diving area and where the water depth is five feet or greater. Height is specified due to angle refraction of the water.

G. A pool that has a diving board shall have at least one elevated lifeguard chair located to provide a clear unobstructed view of the pool bottom in the diving area. The seat of the lifeguard chair in the diving area shall be located at an elevation of at least six feet above the pool deck.

H. Elevated lifeguard platforms located in the shallow area where the water is less than five feet in depth shall be at least thirty-four inches in height from the deck surface to the platform surface. The department may approve other configurations if visibility problems occur.

[7.18.3.31 NMAC - N, 03/30/05]

7.18.3.32 EMERGENCY TELEPHONE: An emergency telephone shall be located in any of the following areas:

A. within the public pool enclosure;

B. in a location adjacent to the public pool enclosure that is accessible at all times; or

C. in another location approved, in writing, by the department.

[7.18.3.32 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.33 PUBLIC POOL ENCLOSURE:

A. Public pools shall be protected by an effective, sturdy enclosure or barrier. Such enclosures or barriers shall be a:

(1) fence;

(2) wall; or

(3) building without private entrances to the pool area.

B. The enclosure or barrier shall not provide an easily climbable framework.

C. Public pool enclosures or barriers, including windows, gates and doors, shall be constructed in such a manner so as to discourage access to the pool by unsupervised children or animals.

D. The top of the enclosure or barrier shall be not less than six feet above grade as measured from the exterior side of the enclosure or barrier at a point three feet perpendicular from the base at any given point along the enclosure. A clear span six feet in radius as measured from the top of the fence is required, as specified in Subsection C, Enclosure Clearance Requirements, of Section 7.18.3.34 NMAC.

E. The bottom horizontal rail or bar of the enclosure or barrier shall be no more than four inches above the grade when the grade is a solid surface, such as a concrete deck or two inches when the grade is any other surface, as specified in Subsection A, Enclosure Detail, Section 7.18.3.34 NMAC, Pool Enclosure Dimensions and Requirements, in this rule.

F. The separation between vertical sections and bars shall be no wider than four inches.

G. There shall be forty five inch minimum separation between the bottom horizontal members or rails and any other horizontal member or rail of the mid section of the pool enclosure.

H. A barrier shall not have decorative portions that provide handholds or footholds. All exterior projections or recessions shall be forty-five inches from the bottom of the fence, as specified in Subsection A, Enclosure Detail, of Section 7.18.3.34 NMAC.

I. Chain link enclosures or barrier's mesh size shall not exceed one and one fourth inches square, unless slats, fastened at the top and bottom of the fence, are used to reduce mesh openings to not allow the passage of a one and three-quarters inch-diameter sphere. Chain link fencing shall not be less than eleven gage, as specified in Subsection B, 7.18.3.34 NMAC.

J. Gates and doors in public pool enclosures or barriers shall be self-closing and shall be equipped with a latching device lockable from the exterior side of the enclosure or barrier.

(1) The operating controls for the self-latching device shall be located at least forty-two inches above the exterior ground surface or pool deck. Latches that remain continuously locked and can only be opened by the use of a key or other access control system shall be of a height that allows the barrier, fence and latch to be in compliance with accessibility standards, and applicable regulations.

(2) An eighteen inch radius of solid material around the latching device or a similar barrier with openings no greater than one-half inch shall be provided.

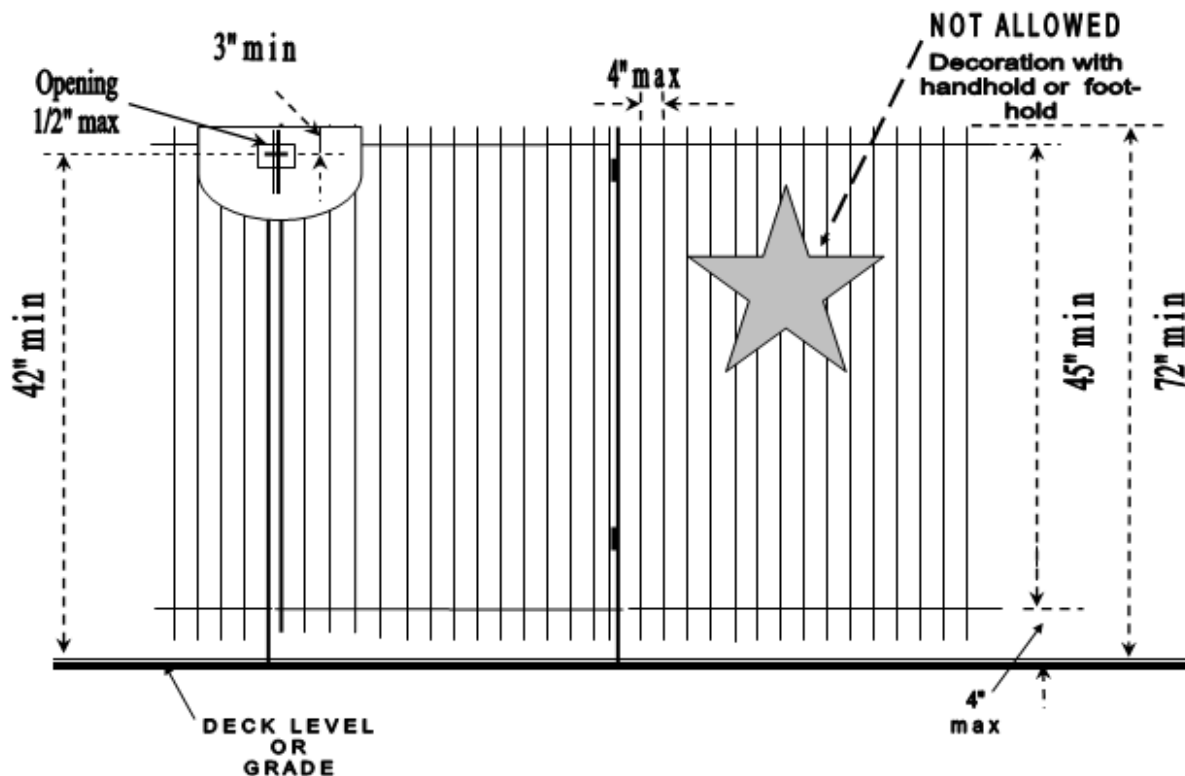
(3) Where a kick plate is required to meet accessibility standards, such gate or door shall have a solid facing at least forty-two inches from the bottom of the gate.

K. Gates, doors or fire exits that open directly into a public pool enclosure from a dwelling unit, hotel, motel room, or other public building are prohibited, unless the barrier complies with this regulation. For spas or baths that are associated with a specific guest or motel room, the owners of the facility shall ensure compliance with barrier requirements.

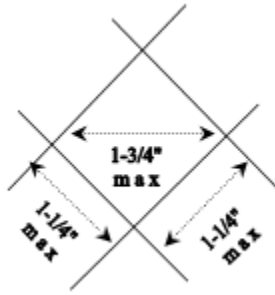
L. Pools not meeting the barrier requirements will have two years from the effective date of this regulation to come into compliance. Variances from the barrier requirements shall not be granted.
[7.18.3.33 NMAC - Rp, 7 NMAC 18.1.II.201-203, 03/30/05]

7.18.3.34 POOL ENCLOSURE DIMENSIONS AND REQUIREMENTS:

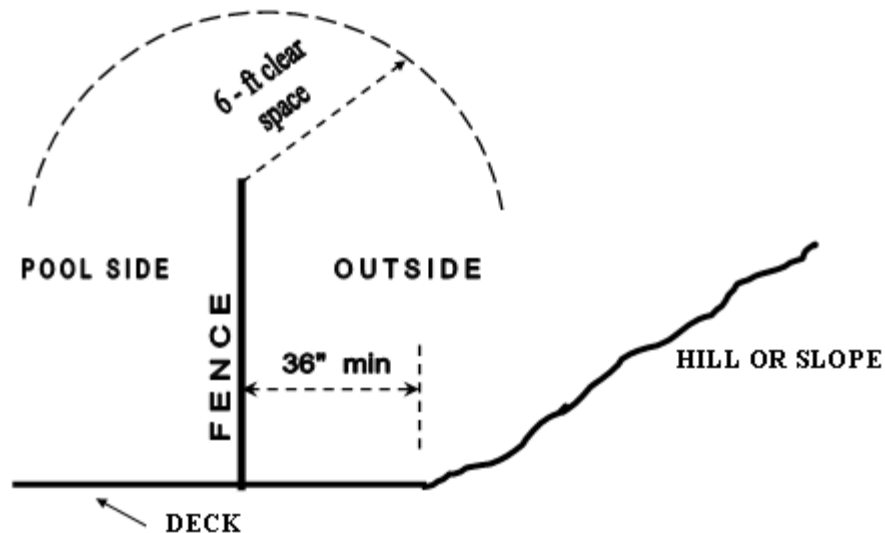
A. Enclosure detail:



B. Chain link fence detail:



- C. Enclosure clearance requirements:



[7.18.3.34 NMAC - Rp, 7 NMAC 18.1.II.201-203, 03/30/05]

7.18.3.35 DECKS:

A. All pools shall have a continuous, unobstructed deck, surrounding the pool that is no less than four feet wide, which may include the coping.

B. Exception: on spas with a diameter, length or width of less than twelve feet, a continuous deck, that is no less than four feet wide, shall be provided around at least fifty percent of a spa. Egress may only be permitted on to the deck.

C. Decks around rockeries and waterfalls shall conform to specifications stated in Section 7.18.3.16 NMAC of this rule.

D. A deck that is no less than four feet wide shall be provided behind diving equipment, slides, lifeguard chairs or starting platforms.

E. Decks shall slope between one-fourth inch per foot to a maximum of three-eighths inch per foot and shall be drained to the perimeter area or area drains.

F. Outdoor pools decks may drain to landscaping in a manner that will not create muddy, hazardous or unsanitary conditions.

G. Indoor pools shall use properly plumbed deck drains that drain to an approved receptor by means of an indirect connection.

H. Drainage shall remove pool and spa splash water, deck cleaning water and rainwater without leaving standing water.

I. The surface of the deck shall not drain into the pool or the overflow gutter and shall not be returned to the recirculation system.

J. Site drainage shall be provided to direct all perimeter deck drainage, as well as general site and roof drainage, away from the pool. When required, yard drains shall be installed to prevent the accumulation or puddling of water around the pool area.

K. Except for trench type drainage systems, deck drains shall be spaced or arranged so that not more than two hundred square feet of area is tributary to each drain and drains shall not be more than twenty-five feet apart.

L. Runway drains shall not be interconnected with overflow system drain lines.

M. The deck area shall be kept clean of all trash and debris.

N. Deck surfaces shall be constructed of concrete, non-slip tile, or other impervious material with a slip-resistant, easily cleanable surface.

O. Wood decking, carpeting or artificial turf deck surfaces are prohibited within four feet of public pools, or within the limits of the deck drainage area, whichever is greater.

(1) The slope on such surface shall be increased to between three-eighths inch and one-half inch per foot.

(2) Such material is prohibited in indoor pools.

(3) Decks not meeting this requirement will have two years from the effective date of this regulation to come into compliance.

P. Joints between concrete deck slabs shall be effectively sealed and shall be designed to protect the pool, coping and its mortar bed from movement of the deck.

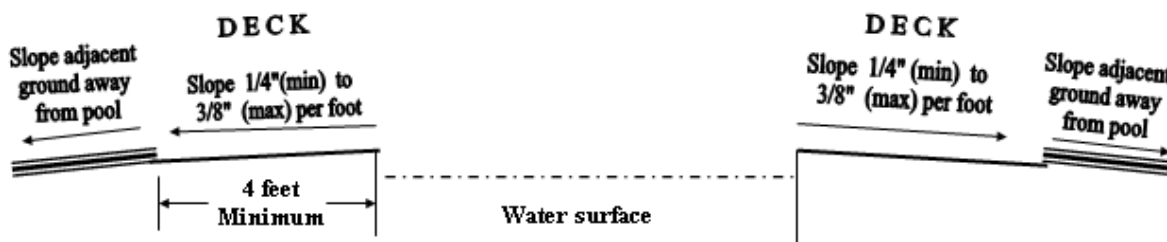
Q. New or replacement expansion joints shall not be constructed of wood.

R. Adjoining deck surface elevations shall vary no more than one-fourth inch.

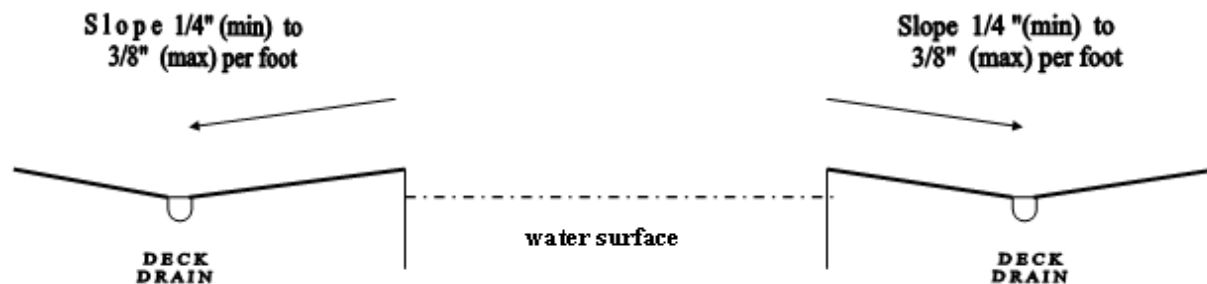
[7.18.3.35 NMAC - Rp, 7 NMAC 18.1.200, 03/30/05]

7.18.3.36 DECK AND DECK DRAIN REQUIREMENTS:

A. Deck without deck drains:



B. Decks with drains:



[7.18.3.36 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.37 RECIRCULATION SYSTEM:

A. Except for fill and draw public baths, all public pools, shall have recirculation and filtration systems with piping, pumps, filters, disinfection and other equipment to maintain pool water quality in all parts of the pool as required by this regulation. The recirculation system for public baths shall meet the applicable requirements of Section 7.18.3.30 NMAC of this rule.

B. The system of pumps, filters, disinfection facilities and other equipment shall be of adequate size and design to recirculate, filter and disinfect the entire volume of pool water in the following maximum time intervals:

- (1) wave pools/watercourse ride - six hours;
- (2) wading pools - one hour;
- (3) waterpark slide pools - one hour;
- (4) all other special use pools - thirty minutes;
- (5) spas, thirty minutes - and
- (6) all other public pools - six hours.

C. Any recirculation system lawfully installed prior to the effective date of this regulation, that does not meet the maximum recirculation time period, may continue in use, until the recirculation system is repaired or the pool is remodeled, only if the recirculation system complies with all standards of disinfection and water clarity established by this regulation.

D. The recirculation system shall have flow rate meter(s) or device(s), installed in accordance with manufacturers' directions, to measure all necessary flow rates as indicated by this regulation, except for fill-and-draw public baths.

E. Each public pool shall have its own recirculation system that is not connected to any other pool.
[7.18.3.37 NMAC - Rp, 7 NMAC 18.1.III.300, 03/30/05]

7.18.3.38 SURFACE SKIMMING AND PERIMETER OVERFLOW GUTTER SYSTEMS:

A. Surface skimmers or perimeter overflow gutter systems shall be provided at all public pools. Such systems shall be designed and constructed to skim the surface of the pool or spa water when the water level is maintained within the operating water level range of the system's rim or weir device.

B. Where skimmers are provided the following provisions will apply.

- (1) All skimmers installed in a public pool shall be NSF/ANSI 50-2004 certified.
- (2) Each skimmer shall be equipped with a strainer basket and a self-adjusting weir device that shall operate freely with continuous action to variations in water level over a range of at least three inches.
- (3) Skimmers shall be designed for a flow-through rate of not less than thirty gallons per minute and the total capacity of all skimmers in any pool shall be at least eighty percent of the required filter flow of the recirculation system.

(4) Each skimmer shall be equipped with a self-activating equalizer line, a flow control device, and an anti-entrapment plate.

(5) Skimmers or perimeter gutter systems shall be located to achieve effective skimming action over the entire surface area of the pool.

(6) Skimmer covers located on a walking surface shall be securely seated, slip-resistant, of sufficient strength to withstand normal deck use, and not constitute a tripping or safety hazard.

(7) Where skimmers are used, there shall be one skimmer for each five hundred square feet of surface area, with a minimum of two skimmers. One skimmer shall be provided for each one hundred fifty square feet of spa or wading pool water surface area, or fraction thereof.

(8) The operating water level for surface skimmers shall be within the vertical operating range of the skimmers.

C. Where overflow systems are used the following provisions will apply.

(1) Overflow systems shall be provided around the entire perimeter of public pools.

(2) Overflow system drains shall not exceed fifteen feet on centers. The overflow gutter bottom shall be sloped one-fourth inch per foot to the drainage outlets.

(3) The gutter outlets shall be covered with department approved drain grates.

(4) The gutter shall be capable of continuously removing fifty percent or more of the recirculated water and returning it to the filter.

(5) Water from overflow systems shall recirculate through the filter or, in cases of pools installed prior to the effective date of this regulation, water may be discharged into the sewer. If a sewer is used, there shall be a minimum eight-inch air gap between the overflow system drain line and the top rim of the approved receptacle. Enclosed pipeless gutters shall have clean-out covers at a maximum of fifteen-foot intervals and shall have a slope of not less than one-eighth inch per foot.

(6) Public pools with perimeter overflow systems shall have surge tanks unless designed to use inpool surge.

(7) Perimeter overflow systems shall be connected to the recirculation system with a system surge capacity of at least one gallon per square foot of pool surface.

(a) External surge systems shall be capable of transferring water at a rate equal to one hundred percent of the pool's design flow rate.

(b) Gutters shall drain in two minutes or less after sudden flooding.

(8) The operating water level for perimeter overflow gutter systems shall be slightly over the overflow gutter lip.

[7.18.3.38 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.39 INLETS AND OUTLETS:

A. Pool inlets and outlets shall be sized and arranged to produce a uniform circulation of water to maintain a uniform level of disinfectant residual throughout the pool.

B. Inlets shall not protrude from the public pool floor or wall to create a hazard.

C. Grates shall be designed to prevent entrapment of fingers.

D. All outlet grates, anti-entrapment plates and inlet fittings shall have tamper-proof screws that cannot be removed except with tools.

E. There shall be at least one inlet per five hundred square feet of pool surface area or per fifteen thousand gallons of water, whichever results in the greater number of inlets.

F. All inlets shall be adjustable to obtain the desired rate and direction of water flow. If the distance across any portion of the public pool is more than thirty feet, multiple inlets shall be provided on opposite ends.

G. Inlets from the recirculation system shall be submerged at least twelve inches below water level.

H. If the pool width is greater than twenty-five feet, multiple outlets shall be provided. Multiple outlets shall be spaced not more than twenty feet apart or more than ten feet from side walls, and shall be located to provide uniform withdrawal of water from the deepest part of the pool.

I. The total velocity through outlet grate openings shall not exceed one and one-half feet per second. The total velocity through anti-entrapment suction outlet covers shall not exceed six feet per second.

J. Vacuum outlets on public pools shall be self closing. Public pools that do not meet this requirement shall have two years from the effective date of this regulation to come into compliance with this requirement.

K. Pool outlets shall be valved and connected to the recirculation pump.

L. Pool outlets shall have a design capacity equal to one hundred percent of the re-circulation pump capacity.

M. Pools shall have a minimum of two hydraulically balanced suction outlet openings with anti-entrapment covers or grates with a minimum surface area of one hundred forty-four square inches per pool pump suction line provided at the lowest point of the pool floor to drain the entire floor area.

N. The system shall be designed so that neither one of the two outlets can be cut out of the suction line by a valve or other means which would allow entrapment of the bather on the suction outlet opening.

[7.18.3.39 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.40 POOL FILL SPOUTS AND INLETS: For pool fill spouts and inlets the following shall apply.

A. Over-the-rim fill spouts.

(1) Over-the-rim fill spouts shall have an air gap above the pool deck, a minimum of six inches or two times the diameter of the pipe, whichever is greater.

(2) Over-the-rim fill spouts shall be located under a diving board, hand rail or beside grab rails.

B. Through-the-wall fill lines shall be located above the water level and equipped with an appropriate backflow prevention device installed on the potable water supply for cross-connection prevention and control.

C. If directly connected to the pool recirculation system, a reduced pressure device, for the purpose of cross-connection prevention and control, shall be installed on the potable water supply before it connects to the pool recirculation piping.

[7.18.3.40 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.41 PIPING:

A. Pool recirculation piping, if plastic, shall be NSF/ANSI 14-2004: "*plastic materials, pipe, fittings and appurtenances for potable water and wastewater*" certified.

B. Public pool or spa backwash or drain lines shall be permanently piped with an air gap, equivalent to two times the pipe diameter, but in no case less than eight inches above the flood level of the approved receptor.

(1) All of the plumbing drains serving the pool sewer system shall discharge into the sanitary sewer system or other department approved disposal method.

(2) All discharges to the sanitary sewer from any public pool or associated facility shall be equipped with a two-chamber sand interceptor meeting the requirements set forth in the current appropriate code adopted by the department, the New Mexico construction industries division, the county or municipal plumbing authority, or the operator of the sewer system.

C. Exposed piping shall be properly and permanently labeled to easily and adequately identify the piping function and direction of flow to the operator.

[7.18.3.41 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.42 PUMPS:

A. A pump and motor shall be provided for recirculation of pool water, except for fill and draw public baths and flow through public baths that meet the requirements of Paragraph (2) of Subsection B of 7.18.3.30 NMAC of this rule.

B. All pumps shall have a strainer on the suction side of the pump.

(1) Strainers installed below water level shall have a valve on each side to facilitate cleaning.

(2) The strainer inlet shall be at least equal in size to the pump suction line.

C. Performance of pumps shall meet the conditions of flow required for filtering and backwashing the filters against the TDH developed by the complete system. Pumps shall be capable of providing design flow rates to match the TDH.

D. Public pool pumps shall be NSF/ANSI 50-2004 certified.

E. Pumps shall be sized to meet flow requirements, under soiled filter conditions as specified in Section 7.18.3.37 NMAC, of this rule. Pumps shall also be sized to create pressures or vacuums necessary to meet the manufacturers recommendations for filter cleaning.

[7.18.3.42 NMAC - Rp, 7 NMAC 18.1.II.200 & 7 NMAC 18.1.III.300, 03/30/05]

7.18.3.43 FILTERS:

A. Filters shall be capable of maintaining pool water clarity under conditions of maximum user load as described in Paragraph (9) of Subsection A of Section 7.18.4.11 NMAC, Pool Water Quality.

B. Filters for public pools shall be backwashed, cleaned and maintained according to manufacturer's instructions.

C. The filter rate shall not exceed the following:

(1) high rate sand filters - twenty gallons per minute per square foot of filter media or that rate approved by the manufacturer for that particular filter, whichever is less;

(2) rapid sand filters - three gallons per minute per square foot of filter media;

(3) diatomaceous earth filters - two gallons per minute per square foot of filter media for pools, one and one half gallons per minute per square foot of filter media for spas; or

(4) cartridge filters - .375 gallons per minute per square foot of effective filter area.

D. Adequate means to release air from the filter tank shall be provided.

E. Filter components, which require servicing, shall be accessible and available for inspection and repair.

F. Filters shall be designed so that filtration surfaces can be easily inspected and serviced.

G. Filters shall be NSF/ANSI 50-2004 certified.

[7.18.3.43 NMAC - Rp, 7 NMAC 18.1.II.200 & 7 NMAC 18.1.III.300, 03/30/05]

7.18.3.44 POOL HEATERS: Public pool heaters and boilers shall have a current certificate of operation issued by the appropriate plumbing or mechanical inspection authority. In addition, all public pool heaters and energy sources shall be designed, constructed and operated to comply with applicable local, state or federal codes and standards as well as the manufacturer's specifications.

[7.18.3.44 NMAC - Rp, 7 NMAC 18.1.III.300, 03/30/05]

7.18.3.45 DISINFECTANT AND CHEMICAL FEEDERS:

A. Automatic disinfection of public pools shall be provided and shall maintain a disinfecting residual in the pool waters at all times, except for fill and draw public baths and flow through public baths that meet the requirements of Paragraph (2), Subsection B of Section 7.18.3.30 of this rule.

B. Hand dosing of disinfectant or the introduction of disinfectant into the pool through the skimmers or the main drain is prohibited.

C. The disinfection agent for public pools shall be registered for such use by the U.S. Environmental Protection Agency and shall be capable of being tested by a test kit.

D. Automatic disinfection equipment shall have controls capable of fine feed rate adjustment, and a graduated and clearly marked dosage adjustment.

E. For public pools, disinfection equipment shall:

(1) be capable of feeding at least one pound equivalent chlorine per fifteen thousand gallons of pool capacity per twenty-four hours; or,

(2) be capable of feeding at least two and one fourth pounds of bromine per fifteen thousand gallons of pool capacity per twenty-four hours where bromine sanitation is applicable.

F. Hypochlorinators, erosion (flow-through) feeders, or other adjustable output rate disinfectant feeding equipment shall be NSF/ANSI 50-2004, "*circulation system components for swimming pools*" certified.

G. All public spa pools and wading pools shall be equipped with oxidation-reduction potential (ORP) automatic disinfection and pH controllers. Public spa pools and wading pools not meeting this requirement will have two years from the effective date of this regulation to come into compliance.

H. Where chlorine gas is used as the disinfectant, the following shall apply.

(1) The feeders and other containers shall be housed in a room or compartment separate from other pool equipment; such room or compartment shall:

(a) be at or above ground level;

(b) have a door that opens to the outside of the building in the room or compartment where the chlorine gas is stored; the door shall open away from the public access area;

(c) be located so that chlorine gas, if accidentally released, will not flow into the pool area or into building ventilation systems;

(d) have lighting and ventilation switches located outside the enclosure, adjacent to the door, or the door shall be equipped with a switch that automatically activates the mechanical ventilation and lighting systems;

(e) have adequate ventilation to outside fresh air with at least four (4) complete air changes per minute; and

(f) have a platform scale for measuring the weight of the chlorine cylinders.

(2) The pool operator shall use a full face negative pressure respirator with a chlorine cartridge approved by the national institute of occupational safety and health (NIOSH) for protection against chlorine gas; or a self-contained breathing apparatus approved by the NIOSH shall be supplied, kept in good working condition and mounted outside the chlorine enclosure.

(3) Gas chlorinators shall have a fail-safe mechanism that ceases chlorination in case of malfunction.

(4) Gas chlorinators shall be equipped with an anti-siphon chlorine injection device.

(5) The vent line from the gas chlorinator shall vent away from occupied areas; the exterior vent line shall be screened.

(6) Pools shall have appropriate equipment for maintaining required pH levels.

I. Where disinfectants other than chlorine or bromine are used, such disinfectants shall:

(1) achieve water disinfection equal to that provided by free chlorine or bromine at the concentration specified in Section 7.18.4.10 NMAC; and

(2) be approved by the department; the approval may place special requirements and conditions on its use.

J. Ozone may be used only with department approval as a supplemental disinfection system.
[7.18.3.45 NMAC - Rp, 7 NMAC 18.1.IV.401, 03/30/05]

7.18.3.46 AIR INDUCTION SYSTEMS:

A. Air induction systems shall only be allowed in spa pools.

B. Air induction systems shall be designed to prevent electrical shock hazards.

C. Air intake sources shall be positioned and designed to minimize contaminants, such as deck water or dirt, from entering the spa pool.

D. Air induction systems shall have a timer-controlled operation and shall be limited to a maximum of fifteen minutes. Air induction system controls shall be located a minimum of six feet horizontally from the edge of the spa pool.

E. Air induction systems shall be completely separate from the spa pool recirculation system.

[7.18.3.46 NMAC - Rp, 7 NMAC 18.1.IV.401, 03/30/05]

7.18.3.47 METERS AND GAUGES:

A. Flow rate meters or gauges shall be installed in all recirculation systems and flow-through public baths. Such meters shall:

- (1) measure flow in gallons per minute;
- (2) be mounted as recommended by the manufacturer; and
- (3) be located to be easily read.

B. Pressure gauges or vacuum gauges shall be installed on all public pools so that pressure or vacuum readings, appropriate to filter type, may be obtained on both the filter influent and effluent lines.

[7.18.3.47 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.48 EQUIPMENT ENCLOSURE:

A. New pool construction, beginning with the effective date of this regulation, shall have an equipment enclosure with a minimum of fifty square feet of floor area and a minimum of three feet of unobstructed access to operational, informational and maintenance portions of the equipment.

B. Equipment enclosures shall be adequately ventilated.

C. Equipment enclosures shall protect the equipment and be locked, permitting access only to authorized personnel.

D. Equipment enclosures shall have adequate drainage.

E. Equipment enclosures shall be lighted to properly operate and maintain equipment.

F. All electrical lights, fixtures, outlets, and other equipment shall be in compliance with applicable electrical codes.

[7.18.3.48 NMAC - Rp, 7 NMAC 18.1.IV.401, 03/30/05]

7.18.3.49 BATHHOUSE AND TOILET FACILITIES:

A. A bathhouse shall be provided at all general-use public pools, and maintained in good working order and sanitary condition at all times.

B. Where a general-use public pool is operated in conjunction with a companion facility, such as a recreation facility, a bathhouse common to both facilities is allowed, provided the minimum facility ratios and locations described in Subsections C, D and E of this section are followed.

C. Bathhouses shall:

- (1) be located within two hundred feet of the general-use public pool;
- (2) have floors that are slip resistant, easily cleanable, and coved to a height of four inches;
- (3) have interior wall and ceiling finishes that are smooth, easily cleanable, and impervious to water;
- (4) have hose bibs for washing down the bathhouse interior;
- (5) have floors with a minimum slope of one-fourth inch per foot that drain to floor drains;
- (6) have ventilation to minimize condensation and odors with a minimum of two air changes per

hour; and

(7) have shower rooms or stalls with walls that are impervious to water to a height of six feet above the floor. Shower rooms and stalls shall comply with the following requirements:

(a) shower rooms and stalls shall have an effective water tight joint between the wall and the floor;

(b) shower stalls shall have doors or curtains for each compartment;

(c) glass bath or shower doors shall be made of safety glass;

(d) wooden racks or duck boards over shower floors are prohibited;

(e) rubber or waterproof mats shall be cleaned and dried daily; and

(f) shower stall floors shall be finished with non-slip, impervious surfaces.

D. General-use public pools shall provide toilet facilities in the following numbers based upon maximum pool user load:

(1) women, one per forty pool users or fraction thereof, with a minimum of two;

(2) men, one per forty pool users or fraction thereof, with a minimum of two (urinals shall be an acceptable substitute for no more than one-half of the toilets); and

(3) lavatories adjacent to toilets, one per every two toilet facilities.

E. General-use public pools shall provide one showerhead per forty pool users or fraction thereof, with a minimum of two.

- F.** Hot and cold or tempered water only shall be provided at all showerheads.
- G.** Soap shall be provided at all showerheads and lavatories.
- H.** If the bathhouse is remodeled, it shall come into compliance with the current requirements of these regulations.
- I.** Beginning with the effective date of this regulation, all new construction of limited-use pools shall:
 - (1) provide toilets and lavatories in the following numbers based upon maximum user load:
 - (a) women, one per forty pool users or fraction thereof, with a minimum of two;
 - (b) men, one per sixty pool users or fraction thereof, with a minimum of two (urinals shall be an acceptable substitute for no more than one-half of the toilets); and
 - (2) provide such toilets and lavatories within two hundred feet of the public pool.
- J.** When all private accommodations or living units are located within two hundred feet of a limited-use public pool, it shall constitute compliance with the requirements of Paragraphs (1) and (2) of this subsection.
- K.** When provided, additional bathhouse facilities adjacent to the pool shall comply with the requirements of Paragraphs (2) through (7) of Subsection C of 7.18.3.49 NMAC and shall comply with the fixture requirements of Subparagraphs (a) and (b) of Paragraph (1) of Subsection I of 7.18.3.49 NMAC.
[7.18.3.49 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.3.50 VISITOR AND SPECTATOR AREAS: Visitors and spectators shall be allowed within the pool room or pool enclosure if they are restricted to a separate area not used by bathers during competition or demonstration events.
[7.18.3.50 NMAC - Rp, 7 NMAC 18.1.II.201, 03/30/05]

7.18.3.51 FOOD SERVICE:

- A.** Glass and rigid plastic containers are prohibited within the pool enclosure.
- B.** Food and drink shall be permitted in the visitor and spectator areas or in separated snack areas for pool users.
- C.** Trash containers shall be provided in the food service areas.
[7.18.3.51 NMAC - Rp, 7 NMAC 18.1.II.202, 03/30/05]

7.18.3.52 DRINKING FOUNTAINS: Drinking fountains shall be provided at all general-use public pools.
[7.18.3.52 NMAC - Rp, 7 NMAC 18.1.II.201, 03/30/05]

7.18.3.53 RIGHT OF ENTRY:

- A.** Upon presentation of credentials, department representatives may enter any premises where a public pool is located or where records required by the public swimming pool rules are located during the public pool's operating hours.
 - B.** When entry is denied by the property owner, the department may seek a district court order to:
 - (1) have a right of entry to, upon, or through any premises where a permitted or unpermitted public pool is located;
 - (2) have a right of entry on any premises where any records that are required by the public swimming pool rules or permit conditions are kept;
 - (3) have access to and copy any records that the public swimming pool rules or permit requires the facility to maintain;
 - (4) inspect any premises or equipment to determine compliance with the public swimming pool rules or any permit condition; and
 - (5) obtain any sample(s) required to determine compliance with the public swimming pool rules or any permit condition.
- [7.18.3.53 NMAC - Rp, 7 NMAC 18.1.IV.400, 03/30/05]

7.18.3.54 to 7.18.3.200 [RESERVED]

7.18.3.201 CONSTRUCTION: This part shall be liberally construed to carry out its purpose.
[7.18.3.201 NMAC - N, 03/30/05]

7.18.3.202 SEVERABILITY: If any provision of application of this part is held invalid, the remainder of this part, or any other application, shall not be affected.
[7.18.3.202 NMAC - Rp, 7 NMAC 18.1.V.500, 03/30/05]

7.18.3.203 REFERENCES IN OTHER REGULATIONS: Any reference to the public swimming pool regulations or to any prior version of the public swimming pool regulations in any other rule shall be construed as a reference to this rule. References to the “public swimming pool rules” in this part refer to all provisions contained in 7.18.2 through 7.18.5 NMAC.
[7.18.3.203 NMAC - Rp, 7 NMAC 18.1.V.501, 03/30/05]

7.18.3.204 SAVINGS CLAUSE: Repeal or supercession of prior versions of this part or the public swimming pool rules shall not affect any administrative or judicial action initiated under those prior versions.
[7.18.3.204 NMAC - Rp, 7 NMAC 18.1.V.502, 03/30/05]

7.18.3.205 COMPLIANCE WITH OTHER REGULATIONS: Compliance with the public swimming pool rules or this part does not relieve a person from the responsibility to comply with any other applicable federal, state or local regulations.
[7.18.3.205 NMAC - Rp, 7 NMAC 18.1.V.502, 03/30/05]

7.18.3.206 PENALTY: Any person who violates any provisions of this rule shall be subject to the penalty provisions in NMSA 1978, Section 74-1-10 of the Environmental Improvement Act, in addition to any other penalties provided for in the public swimming pool rules.
[7.18.3.206 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.3.207 LIMITATION OF DEFENSE: The existence of a valid permit for the installation, modification or operation of a public pool shall not constitute a defense to a violation of any section of this rule, except the requirement for obtaining a permit.
[7.18.3.207 NMAC - N, 03/30/05]

HISTORY OF 7.18.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives:

HSSD 72-2, Swimming Pool Regulations Governing the Sanitary Design, Equipment, Construction and Operation, filed 9/27/72.

EIB 74-2, Regulations Governing Public Baths and Public and Semi-Public Swimming Pools, filed 7/15/74.

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths, filed 3/25/76.

History of Repealed Material: 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) repealed 03/30/05.

Other History:

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths (filed 3/25/76) was reformatted, renumbered and replaced by 7 NMAC 18.1, Public Swimming Pools and Public Baths, effective 11/30/1995. Portions of 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) was replaced by 7.18.3 NMAC, Public Swimming Pools, Spas and Baths: Design and Construction, effective 03/30/05.

TITLE 7 HEALTH
CHAPTER 18 SWIMMING POOLS
PART 4 PUBLIC SWIMMING POOLS, SPAS AND BATHS: MAINTENANCE AND
OPERATION REQUIREMENTS

7.18.4.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[7.18.4.1 NMAC - Rp, 7 NMAC 18.1.I.100, 03/30/05]

7.18.4.2 SCOPE: Owners and operators of public swimming pools, public spas, public baths or other public bathing attractions.
[7.18.4.2 NMAC - Rp, 7 NMAC 18.1.I.101, 03/30/05]

7.18.4.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-1 through 74-1-16.
[7.18.4.3 NMAC - Rp, 7 NMAC 18.1.I.102, 03/30/05]

7.18.4.4 DURATION: Permanent.
[7.18.4.4 NMAC - Rp, 7 NMAC 18.1.I.103, 03/30/05]

7.18.4.5 EFFECTIVE DATE: 03/30/05, unless a later date is cited at the end of a section.
[7.18.4.5 NMAC - Rp, 7 NMAC 18.1.I.104, 03/30/05]

7.18.4.6 OBJECTIVE: To protect the public health and safety by establishing standards and provisions for the regulation of public swimming pools, spas, baths, and other public bathing attractions.
[7.18.4.6 NMAC - Rp, 7 NMAC 18.1.I.105, 03/30/05]

7.18.4.7 DEFINITIONS: Unless otherwise defined in this rule, the words and phrases used in this rule have the same meanings as in Section 7.18.2.7 NMAC, Public Swimming Pools, Spas and Baths: General Provisions.
[7.18.4.7 NMAC - Rp, 7 NMAC 18.1.I.106, 03/30/05]

7.18.4.8 ADOPTION BY REFERENCE: Outside standards, listings, and publications referenced in this rule are part of this rule.
[7.18.4.8 NMAC - N, 03/30/05]

7.18.4.9 ENFORCEMENT AUTHORITY:
A. Private pools shall not be subject to the provisions of this rule or to 7.18.2 through 7.18.5 NMAC.
B. Department representatives shall be responsible for the enforcement of this rule.
[7.18.4.9 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.4.10 POOL WATER SUPPLY:
A. Owners and operators of public pools shall insure that only approved water supplies are used to fill, add to, or flow through a public pool. The water supply facility shall be properly located, protected, and operated at all times.
B. Owners and operators of public pools shall obtain departmental approval of water supplies used to fill, add to, or flow through a public pool.
C. Water shall be easily accessible, adequate, and of safe and sanitary quality.
D. There shall be no cross connection between a sewer or liquid waste disposal system and a public pool.
[7.18.4.10 NMAC - Rp, 7 NMAC 18.1.IV.400, 03/30/05]

7.18.4.11 POOL WATER QUALITY:
A. Water in public pools shall be maintained in accordance with the water quality and physical parameters that follow.
(1) The free available chlorine in pools, except spas and spray pads, shall be maintained between 1.0-ppm free available chlorine and 5.0 ppm free available chlorine.

- (2) The free available chlorine in spas and spray pads shall be maintained between 2.0 ppm free available chlorine and 5.0 ppm free available chlorine.
- (3) The combined chlorine in all pools shall not exceed 0.5 ppm.
- (4) The total available bromine in pools, except spas and spray pads, shall be maintained between 2.0 ppm total available bromine and 6.0 ppm total bromine.
- (5) The total available bromine in spas shall be maintained between of 2.0 ppm total available Bromine and 6.0 ppm total available bromine.
- (6) The total available bromine in spray pads shall be between 4.0 ppm total available bromine and 6.0 ppm total available bromine.
- (7) The pH of all public pools shall be maintained between 7.2 and 7.8.
- (8) The cyanuric acid in all outdoor public pools shall not exceed 100 ppm. Cyanuric acid shall not be used in indoor public pools.
- (9) Water clarity in all public pools shall be maintained so that the bottom and main drain of the pool are clearly visible at all times from the deck above the deepest part of the pool.
- (10) Fecal or pathogenic bacteria and algae shall not be present in any public pool.
- (11) The maximum temperature of a public pool shall not exceed 104 degrees fahrenheit or 40 degrees celsius.
- B.** The department may require the installation of oxidation-reduction potential (ORP) automatic disinfection and pH controls or similar controls on any public pool when there are recurring violations of the water quality parameters for disinfection and pH levels.
- C.** Testing Equipment:
- (1) All public pools shall have fully functional test kit(s) or equipment for measuring the pH, free and combined chlorine concentration, or bromine, (or concentration of other approved disinfectant), and cyanuric acid if stabilized chlorine is used.
- (2) Test kits shall use EPA approved methods.
- (3) Test kits for measuring free and total chlorine or bromine shall use *diethyl-P-phenylene diamine* (DPD) as the reagent.
- D.** The frequency of measuring pH, chlorine, bromine, water clarity, or cyanuric acid shall be done prior to daily opening and as specified in Subsection L of 7.18.4.11 NMAC.
- E.** If pH and sanitizing are automatically monitored and controlled through the use of a properly operating automated system, tests need only be conducted prior to the daily opening of the facility, and at one additional time half way through that daily operation.
- F.** Notwithstanding other provisions of this part, the department may require any other testing frequencies for pool water parameters or chemicals added to the pool to protect public health.
- G.** Public spa pools shall be drained and refilled at least once every 30 days.
- H.** If, at any time, testing indicates that the pool water does not conform to the requirements in Subsection A of 7.18.4.11 NMAC, the pool operator shall immediately close the pool to the public until the requirements are satisfied.
- I.** Hand dosing of disinfectant is not allowed except to super-chlorinate or bring the residual up to required levels when the pool is closed.
- J.** The circulation system shall not be turned off except for necessary maintenance or when the pool is taken out of service for an extended period of time.
- K.** If a fecal accident occurs, the operator of a public pool shall follow the procedures and specifications in Section 7.18.4.27 NMAC of this rule.
- L.** Water quality testing in public pools for disinfectant level and pH shall be performed according to the following schedule.
- (1) If pH and disinfectant levels in indoor or outdoor pools are not automatically monitored and controlled through the use of a properly operating automated system, tests shall be performed as follows:
- (a) outdoor pools using non-stabilized chlorine shall be tested every hour;
- (b) indoor pools using non-stabilized chlorine shall be tested every four hours;
- (c) outdoor pools using stabilized chlorine shall be tested every four hours;
- (d) all pools using bromine shall be tested every four hours.
- (2) For indoor and outdoor pools that are automatically monitored and controlled through properly operating automated systems, tests for pH and disinfectant levels need only be conducted immediately prior to the daily opening of the facility and at one additional time half way through that daily operation.
- (3) The level of cyanuric acid in stabilized pools shall be tested weekly.

7.18.4.12 LIFEGUARDS:

- A.** Lifeguards shall be present and on duty at all general-use public pools during operating hours.
- (1) There shall be at least one lifeguard actively on duty for every 40 bathers and use of the 10/20 guest protection standard and guest protection zone is required.
 - (2) General use spas, public baths, and spray pads are exempt from the lifeguard requirement.
 - (3) When swim teams and swimming exercise classes are facility users, the owner or designated agent may allow substitution of a coach that is certified by the American red cross or an equivalent organization in first aid and cardiopulmonary resuscitation (CPR) and is trained to deal with safety hazards. Both the owner and the sponsoring organization furnishing the swim coach shall be responsible for assuring proper credentials, training and bather controls are maintained in accordance with these requirements.
 - (4) An attendant is required to be present during designated lap swimming hours.
- B.** Lifeguards shall be present and on duty at all limited-use public pools during operating hours where:
- (1) the total water surface area available for swimming is 2,500 square feet or greater; or
 - (2) the maximum depth of the water is greater than five feet and the maximum number of bathers permitted within the pool at any one time is calculated at one person per 25 square feet of water surface area.
- C.** Lifeguards do not have to be present and on duty at limited-use public pools during operating hours where:
- (1) the total water surface area available for swimming is less than 2,500 square feet;
 - (2) the maximum depth of the water is less than five feet; or
 - (3) the maximum depth of the water is greater than five feet and the maximum number of bathers permitted within the pool at any one time is calculated at one person per 50 square feet of water surface area.
- D.** In a public pool where a lifeguard is not present, children under the age of 14 shall be accompanied by a responsible observer, 18 years or older, who shall be present within the barrier area to stay and monitor their children at all times. Pool operators or owners shall verify adult supervision of children in limited-use pools where lifeguards are not required.
- E.** Lifeguards, pool operators or owners shall enforce the following rules at all public pools:
- (1) bathers shall take a cleansing shower before entering a general-use pool;
 - (2) no person under the influence of an intoxicating liquor or drug shall use the pool;
 - (3) no food or drink shall be permitted within four feet of the pool; glass containers are not permitted within the pool enclosure;
 - (4) for general use pools, food and drink shall be permitted only in the visitor and spectator areas;
 - (5) trash containers shall be provided in the food service areas;
 - (6) no person shall bring, throw or carry food, drink, smoking material, trash, or debris, into the pool;
- and
- (7) no person shall run or engage in horseplay in or around a public pool.
- F.** The owner or operator of each special-use pool shall establish a plan for lifeguards and attendants at their facility and shall submit the plan to the department for review. The plan shall:
- (1) set forth in detail where lifeguards and other attendants will be stationed;
 - (2) describe training and emergency procedures;
 - (3) include provisions for back-up lifeguards and attendants in the event of a multiple person rescue;
- and
- (4) include any other provisions addressing pool depth, wave action, line of sight, bather loads or other special conditions affecting the safety of users; and
 - (5) the department shall approve any significant change in the plan for lifeguards and attendants before it is put into effect.
- G.** Except as otherwise required in this rule, each attendant employed at a public pool shall be:
- (1) certified by the American red cross or an equivalent organization in first aid and cardiopulmonary resuscitation (CPR); and
 - (2) be trained to deal with safety hazards related to the particular facility at which they are employed.
- H.** An attendant who is knowledgeable in all safety procedures and basic operation of the pool shall be present at all general use pools during times of operation.

7.18.4.13 ACCIDENTS:

A. Operators of public pools shall report in writing to the department any drowning or other death occurring on the pool's premises.

B. Such reports shall be submitted within twelve hours of the occurrence and the pool shall immediately suspend operation until allowed to re-open by the department.

[7.18.4.13 NMAC - N, 03/30/05]

7.18.4.14 HAZARDS:

A. There shall be no protrusions, extensions, obstructions, tripping hazards, or other means of entanglement in the pool or on the pool deck that could cause bather injury or entrapment. Equipment and devices in the pool and at pool side, such as ladders, drain covers, anti-entrapment covers, handrails, fill lines and diving devices shall be installed so they can only be removed or adjusted with the use of tools.

B. All anti-entrapment covers shall be in place and secure during all times the public pool is in use.

C. Signs, as specified in Section 7.18.4.26 NMAC, shall be posted at all times.

[7.18.4.14 NMAC - Rp, 7 NMAC 18.1.II.202, 03/30/05]

7.18.4.15 PREVENTION OF DISEASE:

A. All public pool users and employees afflicted with a communicable disease that is capable of being transmitted in a public pool or who are suffering from sores shall be excluded from a public pool.

B. A cleansing shower with soap is required of all bathers entering a public pool.

C. Footbaths are prohibited.

[7.18.4.15 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.16 ANIMALS: Animals are not allowed within the pool enclosure or barrier of any public pool except for service animals.

[7.18.4.16 NMAC - N, 03/30/05]

7.18.4.17 CLEANLINESS:

A. Public pool buildings, grounds, dressing rooms, walkways and all other facilities shall be kept clean, in a sanitary condition, and maintained free of garbage, trash and other refuse.

B. Dirt and scum in pools shall be removed at least daily or more often as necessary to maintain sanitary conditions.

C. All public pools shall be maintained so that the pool is free of accumulated dirt, debris, leaves, or other floating, submerged or settled material.

D. All public pools shall be equipped with a vacuum cleaner capable of effectively removing settled material from the bottom of the pool.

E. All public pools shall be equipped with a pole mounted skimming net to remove floating or submerged leaves or other debris from the pool.

[7.18.4.17 NMAC - Rp, 7 NMAC 18.1.II.200 & 201, 03/30/05]

7.18.4.18 OFF SEASON MAINTENANCE: When a public pool is not in use after seasonal operation or when a public pool is under construction or renovation, water clarity shall be maintained and algae growth prevented.

A. Other water quality parameters are not required to be met.

B. The facility shall not give off objectionable odors, become a breeding ground for insects or vectors or create any other nuisance or safety hazard.

[7.18.4.18 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.19 BATHER LOAD:

A. The maximum number of bathers permitted within a pool at any one time shall not exceed:

(1) public pools, except for spa pools and wave pools: one person for each 25 square feet of water surface;

(2) spa pools: one person for each ten square feet of water surface; and

(3) wave pools: one person for each 50 square feet of water surface.

B. When calculating the water surface area for bathing load, 300 square feet shall be subtracted from the total water surface area available for swimming for each diving board or platform.

[7.18.4.19 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.20 STARTING PLATFORMS:

- A. Starting platforms shall be removed when not in use by competitive swimmers; or
 - (1) shall be equipped with protective equipment designed to prevent access;
 - (2) be firmly secured when in use; and
 - (3) shall have non-slip top surfaces.
- B. When the starting blocks are removed, anchor sockets shall be capped.

[7.18.4.20 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.21 GATES AND DOORS IN PUBLIC POOL ENCLOSURES: Gates and doors shall not be blocked open or otherwise disabled to prevent closing and latching. Facilities providing lifeguard service and monitored public access may have open gates or doors during operating hours.

[7.18.4.21 NMAC - N, 03/30/05]

7.18.4.22 WATERSLIDE OPERATION:

- A. Lifeguards shall be on duty at the slide splash area.
- B. The platform area shall have an attendant in place.
- C. The slide may not be used if the main drain of the splash pool is not clearly visible from the deck when the flume water is turned off.
- D. Entry to the slide shall be regulated so that only one person is allowed to enter the slide every ten seconds.
- E. Radio communication or other means of communication approved by the department shall be provided between the flume entry attendant and the splash pool or slide runout lifeguard.
- F. Each water slide shall provide the flume entry attendant the means to monitor the slide entry and exit.

[7.18.4.22 NMAC -- N, 03/30/05]

7.18.4.23 TEMPORARY SPECIAL USE POOLS: Owners of pools that are used for public promotions at sports fields, county fairs, portable pools and similar special uses shall be reviewed by the department on an individual case basis. The department may require special conditions as part of approval of such pools to assure health and safety.

[7.18.4.23 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.24 INSTRUCTIONAL USE OF LIMITED-USE POOLS: The department may allow the use of limited-use public pools for swimming related instruction to the general public provided that:

- A. use by the public is limited to instruction classes only;
- B. the instructor shall be certified by the American red cross or an equivalent organization in first aid and CPR; and be trained to deal with safety hazards related to the particular attraction at which they are employed;
- C. the department is notified in advance of the time and place of the classes; and
- D. sanitary facilities are available to bathers as required in Section 7.18.3.49 NMAC.

[7.18.4.24 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.25 LIFESAVING EQUIPMENT: The following lifesaving equipment shall be provided at all public pools in a location where it is easily accessible by persons using the pool.

- A. Required signs, as specified in Section 7.18.4.26 NMAC, shall be posted where they can be easily seen by persons using the pool.
- B. A sign shall be posted stating the location of the emergency phone.
- C. A sign shall be posted at the phone that indicates emergency phone numbers and the facility address to enable emergency and rescue personnel to locate the pool.
- D. All public pools shall be equipped with a first aid kit containing a minimum of 24 items. The kit shall be placed in a department approved location and shall include the following first aid supplies:
 - (1) first aid pocket guide;
 - (2) first aid kit supply list;
 - (3) assorted sterile gauze pads with adhesive tape;
 - (4) antiseptic wipes or hydrogen peroxide;

- (5) scissors and tweezers;
- (6) triangular bandages;
- (7) roller gauze;
- (8) blood borne pathogen spill kit;
- (9) disposable single use gloves;
- (10) eye protection, face shield, or goggles;
- (11) mask or barrier for rescue breathing or CPR;
- (12) heat retention blanket;
- (13) small trash bag or biohazard bag; and
- (14) assorted adhesive bandage strips.

E. All public pools shall be equipped with devices, in good operating condition, to aid victims in distress as follows:

- (1) a light and sturdy rescue pole at least 12 feet in length with a double crook life hook attached;
- (2) two or more U.S. coast guard approved ring buoys, located at opposite sides of the pool, with an attached one quarter inch rope not less than one and one-half times the maximum width of the pool or swimming area;
- (3) at pools requiring lifeguards, a backboard with means to secure victim to the board and provide immobilization of head, neck, and back; and
- (4) at pool requiring lifeguards, one rescue tube per lifeguard shall be provided.

F. All public pools shall be equipped with a clearly marked emergency pump shut-off switch to be located within 20 feet, but no closer than four feet, of a pool. The shut-off switch shall be accessible to the public, have an audible alarm, and operate at all times.

- (1) An automatic shut-off system may be installed in lieu of a manual shut-off switch.
- (2) All pools not meeting this requirement shall have one year from the effective date of this regulation to come into compliance.

G. Except where required by the department, the equipment required in Section 7.18.4.25 NMAC shall not apply to public spa pools, wading pools, spray pads and public baths.
[7.18.4.25 NMAC - Rp, 7 NMAC 18.1.II.200, 03/30/05]

7.18.4.26 REQUIRED SIGNS:

A. An American red cross resuscitation chart, or equivalent, shall be conspicuously posted in the swimming pool area.

B. A sign shall be posted in the pool enclosure or barrier stating the design bathing load capacity of the pool. The pool owner shall be responsible for seeing that the maximum bathing load capacity is not exceeded.

C. A sign shall be posted in the pool enclosure or barrier stating "Warning- no lifeguard service is provided. All children under the age of 14 shall be accompanied by an observer 18 years or older. In case of emergency, contact: (a person or emergency telephone number shall be stated on the sign).

D. A precaution sign or signs shall be mounted adjacent to the entrance of a spa or bath, which read as follows.

(1) "Extended exposure to hot water may be detrimental to the health of elderly persons, persons with health problems, such as heart conditions, diabetes, or low/high blood pressure, small children, or pregnant women. Consult with a physician before using spa or bath."

(2) "Do not use the spa or bath while under the influence of alcohol, narcotics, or other drugs that cause sleepiness, drowsiness, or raise/lower blood pressure."

(3) "Do not use the spa or bath alone."

(4) "Over exposure to heated water may cause nausea, dizziness, and fainting."

E. Whenever a pool is closed to swimming for any reason, all gates and doors not utilized for egress to other parts of the building or buildings shall be locked. When the department orders that a pool shall be closed, the department shall post signs at all entrances to the pool stating that the pool is closed.

F. Signs shall be posted describing the proper way to use a pool slide or water slide. The signs shall contain wording that includes the following.

(1) "Slide feet first only."

(2) "Slide sitting up or lying on your back."

(3) "Only one person at a time may be on the slide."

(4) "Always enter the pool feet first; do not somersault, twist, or dive from the end of the slide."

[7.18.4.26 NMAC - Rp, 7 NMAC 18.1.II.202 & 203, 03/30/05]

7.18.4.27 FECAL ACCIDENT PROCEDURE:

- A.** The following procedure shall be used for a formed stool that is solid and non-liquid.
- (1) Direct everyone to leave all pools into which water containing the feces is circulated. Do not allow anyone to enter the contaminated pool until all decontamination procedures are completed.
 - (2) Remove as much of the fecal material as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. After cleaning, leave the net or scoop immersed in the pool during disinfection. Vacuuming stool from the pool is not allowed.
 - (3) Raise the free available chlorine concentration to 2.0 ppm, pH 7.2-7.5. Ensure this concentration is found throughout all co-circulating pools by sampling at least three widely spaced locations away from return water outlets. This free available chlorine concentration was selected to keep the pool closure time to approximately 30 minutes. Other concentrations or closure times can be used as long as the CT inactivation value is kept constant.
 - (4) Maintain the free available chlorine concentration at 2.0ppm, pH 7.2-7.5, for at least 25 minutes before reopening the pool. Ensure that the filtration system is operating while the pool reaches and maintains the proper free available chlorine concentration during the disinfection process.
 - (5) Establish a fecal accident log. Document each fecal accident by recording the following:
 - (a) the date and time of the event;
 - (b) if the accident is a result of a formed stool or diarrhea;
 - (c) the free available chlorine concentration at the time or observation of the event and before re-opening the public pool;
 - (d) the pH at the time or observation of the event and before re-opening the public pool;
 - (e) the procedures followed to respond to the fecal accident (including the process used to increase free chlorine residual if necessary); and
 - (f) the chlorine contact time.
- B.** The following procedure shall be used for diarrhea or a non-formed stool or a liquid stool.
- (1) Direct everyone to leave all pools into which water containing the feces is circulated. Do not allow anyone to enter the contaminated pool until all decontamination procedures are completed.
 - (2) Remove as much of the fecal material as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. After cleaning, leave the net or scoop immersed in the pool during disinfection. Vacuuming stool from the pool is not allowed.
 - (3) Raise the free available chlorine concentration to 20ppm and maintain the pH between 7.2 and 7.5. Ensure this concentration is found throughout all co-circulating pools by sampling at least three widely spaced locations away from return water outlets. This chlorine and pH level should be sufficient to inactivate cryptosporidium and should be maintained for at least 8 hours, equivalent to a CT inactivation value of 9600. A higher or lower free available chlorine level/inactivation time can be used as long as a CT inactivation value equaling 9600 is maintained for cryptosporidium inactivation.
 - (4) Ensure that the filtration system is operating while the pool reaches and maintains the proper free available chlorine concentration during disinfection.
 - (5) Backwash the filter thoroughly after reaching the CT value. Be sure the effluent is discharged directly to waste and in accordance with state or local regulations. Do not return the backwash through the filter. Where appropriate, replace filter media.
 - (6) Pool users may be allowed in the pool after the required CT value has been achieved and the free available chlorine level has been returned to the normal operating range allowed by the department. Maintain the free available chlorine concentration and pH at standard operating levels based on state or local regulations.
- C.** The following procedure shall be used to determine the CT Value.
- (1) CT refers to concentration (C) of free available chlorine in ppm multiplied by time (T) in minutes. If pool operators want to use a different chlorine concentration or inactivation time, they need to ensure that CT values always remain the same.
 - (a) Example one - If an operator finds a formed fecal accident in the pool and the pool has a free available chlorine reading of 3 ppm and a pH of 7.5, to determine how long the pool should be closed to swimmers, locate 3 ppm in the left column of Paragraph (3) of Subsection C of Section 7.18.3.26 NMAC below and then move right for the pool closure time. The pool should be closed for 19 minutes.
 - (b) Example two - The CT inactivation value for cryptosporidium is 9600, which equals (20 ppm) x (480 minutes). The operator determines that only 15 ppm free available chlorine can be maintained after a diarrheal accident in the pool. How long would hyperchlorination take? Answer: $9600=CT=(15)(T)$; $T=9600/15=640$ minutes=10.7 hours.

(2) Many conventional pool test kits cannot measure free available chlorine levels above 5 ppm to 10 ppm. Pool operators shall use chlorine test strips that can measure free available chlorine in a range that includes 20ppm (such as those used in the food industry) or make dilutions following DPD chlorine test kit instructions. Use chlorine-free water for dilutions.

(3) The required free available chlorine concentrations and pool closure time required for disinfection of pools after a formed fecal accident shall be as follows:

Concentration (ppm)	Pool closure time (minutes)
<0.4	105
0.6	72
0.8	55
1.0	45
1.2	39
1.4	34
1.6	30
1.8	28
2.0	25
2.2	24
2.4	22
2.6	21
2.8	20
3.0	19

(4) A free available chlorine residual of 2.0 ppm shall be present before the pool can be reopened.
[7.18.4.27 NMAC - Rp, 7 NMAC 18.1.II.200 & 201, 7 NMAC 18.1.IV.401, 03/30/05]

7.18.4.28 RECORDS:

A. Public pools shall keep daily operating records that shall include the following:

- (1) date;
- (2) time of backwashing;
- (3) disinfectant residuals;
- (4) filter pressure;
- (5) circulation rate;
- (6) pH;
- (7) types and quantities of chemicals added;
- (8) visibility of pool bottom;
- (9) the numbers of bathers;
- (10) name of certified operator;
- (11) name of life guard on duty; and
- (12) testing or calibration of automatic sensors or probes.

B. Public pools shall keep weekly records of cyanuric acid levels.

C. Public pools shall record all accidents; including fecal accidents.

D. All such records shall be made available to the department upon request for inspection or copying.

[7.18.4.28 NMAC - Rp, 7 NMAC 18.1.II.201, 03/30/05]

7.18.4.29 RIGHT OF ENTRY:

A. Upon presentation of credentials, department representatives may enter any premises where a public pool is located or where records required by the public swimming pool rules are located during the public pool's operating hours.

B. When entry is denied by the property owner, the department may seek a district court order to:

- (1) have a right of entry to, upon, or through any premises where a public pool is located;
- (2) have a right of entry on any premises where any records required by the public swimming pool rules or by permit condition are kept;
- (3) have access to and copy any records that the public swimming pool rules or a permit requires the facility to maintain;

(4) inspect any premises or equipment to determine compliance with the public swimming pool rules or any permit condition; and

(5) obtain any sample(s) required to determine compliance with the public swimming pool rules or any permit condition.

[7.18.4.29 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.4.30 to 7.18.4.100 [RESERVED]

7.18.4.101 CONSTRUCTION: This part shall be liberally construed to carry out its purpose.

[7.18.4.101 NMAC - N, 03/30/05]

7.18.4.102 SEVERABILITY: If any provision of application of this part is held invalid, the remainder of this part, or any other application, shall not be affected.

[7.18.4.102 NMAC - Rp, 7 NMAC 18.1.V.500, 03/30/05]

7.18.4.103 REFERENCES IN OTHER REGULATIONS: Any reference to the public swimming pool regulations or any prior version of the public swimming pool regulations in any other rule shall be construed as a reference to this rule. References to the “public swimming pool rules” in this part refer to all provisions contained in 7.18.2 through 7.18.5 NMAC.

[7.18.4.103 NMAC - Rp, 7 NMAC 18.1.I.501, 03/30/05]

7.18.4.104 SAVINGS CLAUSE: Repeal or supercession of prior versions of this part or the public swimming pool rules shall not affect any administrative or judicial action initiated under those prior versions.

[7.18.4.104 NMAC - Rp, 7 NMAC 18.1.V.502, 03/30/05]

7.18.4.105 COMPLIANCE WITH OTHER REGULATIONS: Compliance with the public swimming pool rules or this part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.

[7.18.4.105 NMAC - Rp, 7 NMAC 18.1.V.503, 03/30/05]

7.18.4.106 PENALTY: Any person who violates any provisions of this rule shall be subject to the penalty provisions in NMSA 1978, Section 74-1-10 of the Environmental Improvement Act, in addition to any other penalties provided for in the public swimming pool rules.

[7.18.4.106 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.4.107 LIMITATION OF DEFENSE: The existence of a valid permit for the installation, modification, or operation of a public pool shall not constitute a defense to a violation of any section of this rule, except the requirement for obtaining a permit.

[7.18.4.107 NMAC - N, 03/30/05]

HISTORY OF 7.18.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives:

HSSD 72-2, Swimming Pool Regulations Governing the Sanitary Design, Equipment, Construction and Operation, filed 9/27/72.

EIB 74-2, Regulations Governing Public Baths and Public and Semi-Public Swimming Pools, filed 7/15/74.

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths, filed 3/25/76.

History of Repealed Material: 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) repealed 03/30/05.

Other History:

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths (filed 3/25/76) was reformatted, renumbered and replaced by 7 NMAC 18.1, Public Swimming Pools and Public Baths, effective 11/30/1995. Portions of 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) was replaced by 7.18.4 NMAC, Public Swimming Pools, Spas and Baths: Maintenance and Operation Requirements, effective 03/30/05.

TITLE 7 HEALTH
CHAPTER 18 SWIMMING POOLS
PART 5 PUBLIC SWIMMING POOLS, SPAS AND BATHS: FEES

7.18.5.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[7.18.5.1 NMAC - Rp, 7 NMAC 18.1.I.100, 03/30/05]

7.18.5.2 SCOPE: Owners and operators of public swimming pools, public spas, public baths, or other public bathing attractions.
[7.18.5.2 NMAC - Rp, 7 NMAC 18.1.I.101, 03/30/05]

7.18.5.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-1 through 74-1-16.
[7.18.5.3 NMAC - Rp, 7 NMAC 18.1.I.102, 03/30/05]

7.18.5.4 DURATION: Permanent.
[7.18.5.4 NMAC - Rp, 7 NMAC 18.1.I.103, 03/30/05]

7.18.5.5 EFFECTIVE DATE: 03/30/05, unless a later date is cited at the end of a section.
[7.18.5.5 NMAC - Rp, 7 NMAC 18.1.I.104, 03/30/05]

7.18.5.6 OBJECTIVE: To establish fees for the administration of rules and standards regarding the inspection, enforcement, training, review of plans, and other appropriate program components for public swimming pools, public spas, public baths and other public bathing attractions as specified in 7.18.2 NMAC, Public Swimming Pools, Spas and Baths: General Provisions, 7.18.3 NMAC, Public Swimming Pools, Spas and Baths: Design and Construction, and 7.18.4 NMAC, Public Swimming Pools, Spas and Baths: Maintenance and Operation.
[7.18.5.6 NMAC - Rp, 7 NMAC 18.1.I.105, 03/30/05]

7.18.5.7 DEFINITIONS: Unless otherwise defined in this rule, the words and phrases used in this rule have the same meanings as in Section 7.18.2.7 NMAC, Public Swimming Pools, Spas and Baths: General Provisions.
[7.18.5.7 NMAC - Rp, 7 NMAC 18.1.I.106, 03/30/05]

7.18.5.8 ADOPTION BY REFERENCE: Outside standards, listings, and publications referenced in this rule are part of this rule.
[7.18.5.8 NMAC - N, 03/30/05]

7.18.5.9 ENFORCEMENT AUTHORITY:
A. Private pools shall not be subject to the provisions of this rule or to 7.18.2 through 7.18.5 NMAC.
B. Department representatives shall be responsible for the enforcement of this rule.
[7.18.5.9 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.5.10 CONSTRUCTION PERMIT FEES:
A. Permit fees for new construction, remodeling, or renovation issued pursuant to Section 7.18.2.10 NMAC, Construction Permits, shall be the following:
 (1) for a general-use pool, limited-use pool, or spa pool, the fee shall be \$150.00;
 (2) for multiple general-use or limited-use pools or spa pools located at the same site, the fee shall be \$150.00 for each general-use or limited-use pool or spa pool;
 (3) for public wading pools, public baths or spray pads, the fee shall be \$125.00 for each pool;
 (4) for a special-use pool, the fee shall be \$150.00; and
 (5) for multiple special-use pools located at the same site, the fee shall be \$150.00 for each special-use pool.
B. All applicable fees shall be paid at the time the construction permit application is submitted to the department.
C. All fees shall be remitted to the department by check or money order made payable to the “water recreation facilities fund”.

D. Any check returned for non-payment for any reason shall result in cancellation of the construction permit.

E. All fees are non-refundable.
[7.18.5.10 NMAC - Rp, 7 NMAC 18.1.I.108, 03/30/05]

7.18.5.11 OPERATING PERMIT FEES:

- A.** Operating permit fees issued pursuant to Section 7.18.2.12 NMAC, Operating Permits, shall be:
- (1) for all general-use pools and spas, the fee shall be \$150.00 for each pool per year;
 - (2) for limited use pools, the fee for each pool shall be:
 - (a) up to 600 square feet of pool surface area, \$100.00 per year;
 - (b) from 601 square feet to 1000 square feet of pool surface area, \$125.00 per year;
 - (c) from 1001 square feet of pool surface area and greater, \$150.00 per year;
 - (3) for all public wading pools, public baths or spray pads, the fee shall be \$100.00 for each pool per year; and
 - (4) for all special-use pools, the fee shall be \$150.00 for each pool per year.
- B.** Payment of fees.
- (1) An operating permit fee shall be assessed for each separate public pool at a facility or site.
 - (2) Fees are payable at the time the annual operating permit is issued by the department. Annual operating permits will not be issued until the department receives all appropriate fees.
 - (3) All fees shall be remitted to the department by check or money order made payable to the "water recreation facilities fund".
 - (4) Non-payment of all appropriate fees, including the return of any check for non-payment for any reason, shall result in cancellation of the operating permit.
 - (5) All fees are non-refundable.
- [7.18.5.11 NMAC - N, 03/30/05]

7.18.5.12 RE-INSPECTION FEE: If a site inspection results in the issuance of a written notice of non-approval or suspension, the department may assess a re-inspection fee of \$50.00 to re-inspect that public swimming pool. The re-inspection fee shall be remitted to the department prior to a subsequent re-inspection being conducted.
[7.18.5.12 NMAC - N, 03/30/05]

7.18.5.13 VARIANCE FEE: If a variance is requested pursuant to Section 7.18.2.23 NMAC, Variance, an application fee of \$50.00 shall be remitted by the applicant at the time the variance application is submitted to the department. The fee is non-refundable.
[7.18.5.13 NMAC - N, 03/30/05]

7.18.5.14 RIGHT OF ENTRY:

- A.** Upon presentation of credentials, department representatives may enter any premises where a public pool is located or where records required by the public swimming pool rules are located during the public pool's operating hours.
- B.** When entry is denied by the property owner, the department may seek a district court order to:
- (1) have a right of entry to, upon, or through any premises where a public pool is located;
 - (2) have a right of entry on any premises where any records required by the public swimming pool rules or by permit condition are kept;
 - (3) have access to and copy any records that the public swimming pool rules or a permit requires the facility to maintain;
 - (4) inspect any premises or equipment to determine compliance with the public swimming pool rules or any permit condition; and
 - (5) obtain any sample(s) required to determine compliance with the public swimming pool rules or any permit condition.
- [7.18.5.14 NMAC - Rp 7 NMAC 18.1.I.109, 03/30/05]

7.18.5.15 to 7.18.5.50 [RESERVED]

7.18.5.51 CONSTRUCTION: This part shall be liberally construed to carry out its purpose.
[7.18.5.51 NMAC - N, 03/30/05]

7.18.5.52 SEVERABILITY: If any provision or application of this part is held invalid, the remainder of this part, or its application to other situations or persons, shall not be affected.
[7.18.5.52 NMAC - Rp, 7 NMAC 18.1.V.500, 03/30/05]

7.18.5.53 REFERENCES IN OTHER REGULATIONS: Any reference to the public swimming pool regulations or any prior version of the public swimming pool regulations in any other rule shall be construed as a reference to this rule. References to the “public swimming pool rules” in this part refer to all provisions contained in 7.18.2 through 7.18.5 NMAC.
[7.18.5.53 NMAC - Rp, 7 NMAC 18.1.V.501, 03/30/05]

7.18.5.54 SAVINGS CLAUSE: Repeal or supersession of prior versions of this part or the swimming pool rules shall not affect any administrative or judicial action initiated under those prior versions.
[7.18.5.54 NMAC - Rp, 7 NMAC 18.1.V.502, 03/30/05]

7.18.5.55 COMPLIANCE WITH OTHER REGULATIONS: Compliance with the swimming pool rules or this part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.
[7.18.5.55 NMAC - Rp, 7 NMAC 18.1.V.503, 03/30/05]

7.18.5.56 PENALTY: Any person who violates any provision of this rule shall be subject to the penalty provisions in NMSA 1978, Section 74-1-10 of the Environmental Improvement Act, in addition to any other penalties provided for in the public swimming pool rules.
[7.18.5.56 NMAC - Rp, 7 NMAC 18.1.I.109, 03/30/05]

7.18.5.57 LIMITATION OF DEFENSE: The existence of a valid permit for the installation, modification or operation of a pool shall not constitute a defense to a violation of any section of this regulation, except the requirement for obtaining a permit.
[7.18.5.57 NMAC - N, 03/30/05]

HISTORY OF 7.18.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives:

HSSD 72-2, Swimming Pool Regulations Governing the Sanitary Design, Equipment, Construction and Operation, filed 9/27/72.

EIB 74-2, Regulations Governing Public Baths and Public and Semi-Public Swimming Pools, filed 7/15/74.

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths, filed 3/25/76.

History of Repealed Material: 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) repealed 03/30/05.

Other History:

EIB 76-1, Regulations Governing Public Swimming Pools And Public Baths (filed 3/25/76) was reformatted, renumbered and replaced by 7 NMAC 18.1, Public Swimming Pools and Public Baths, effective 11/30/1995.

Portions of 7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995) was replaced by 7.18.5 NMAC, Public Swimming Pools, Spas and Baths: Fees, effective 03/30/05.

‘7 NMAC 18.1, Public Swimming Pools and Public Baths (filed 10/27/1995), then recompiled on October 31, 2001 as 7.18.2 NMAC, is hereby repealed, effective March 30, 2005.